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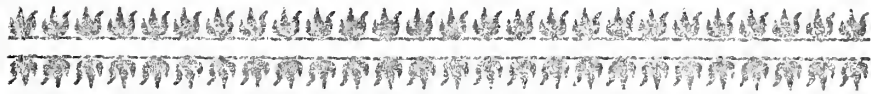
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The House of Burgesses of Virginia



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JOURNALS
of the
HOUSE of BURGESSES
of
VIRGINIA

1695-1696, 1696-1697,
1698, 1699, 1700-1702

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Edited by
H. R. McILWAINE



RICHMOND, Virginia
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Burgeffes for the Assembly of 1695-1696.

Accornack:	William Anderfon John Wafhbourne	New Kent:	William Baffett Daniel Parke ¹
Charles City:	Thomas Chamberlain Henry Batt ²	Norfolk:	Wm. Robinfon ³ William Crafford
Elizabeth City:	Anthony Armistead William Wilfon ⁴	Northampton:	John Cuftis William Waters
Effex:	William Mofeley John Catlet	Northumberland:	Rodham Kenner Richard Hayney
Gloucefter:	James Ranfone Mordecai Cook	Princels Anne:	Benoni Burroughs John Thorowgood
Henrico:	Wm. Randolph Wm. Soane	Richmond:	Arthur Spicer William Tayloe
Ifle of Wight:	John Goodrich ⁵ John Gyles	Stafford:	George Maſon Thomas Oufley ⁶
Jarneftown:	William Sherwood	Surry:	John Thompfon Thomas Swan
James City:	Philip Ludwell Poynes Weldon	Warwick:	Dudley Digges William Rolcow ⁷
King & Queen:	William Leigh Jofhua Story	Westmoreland:	Alexander Spence John Jordan
Lancafter:	Robert Carter George Heal	York:	Thomas Barber Henry Jenkins
Middlefex:	Mathew Kemp Robert Dudley		
Nanfemond:	John Braffieur John Wright		

¹ Left the country before the opening of the fecond feffion (p. 46), being fucceeded by *Charles Goodrich*.

² Left the country before the opening of the fecond feffion (p. 46), and was fucceeded by *Mathew Watts*.

³ Died before the opening of the fecond feffion (p. 46). No fucceffor was elected.

⁴ Advanced to the Council (p. 46), and was fucceeded by *Joseph Fofter*.

⁵ Died before the opening of the fecond feffion (p. 46). No fucceffor feems to have been elected.

⁶ Appointed fheriff of the county (p. 46). Succeeded by *Martin Scarlet*, who died before the opening of the fecond feffion.

⁷ Was appointed fheriff of the county (p. 46), being fucceeded by *Richard Whitaker*.

Burgeffes for the Affembly of 1696-1697.

Accomack:	John Wafhbourne Richard Bayley	New Kent:	William Baffett Gideon Macon
Charles City:	Charles Goodrich John Taylor	Norfolk:	Thomas Hodges Thomas Mafon
Elizabeth City:	Anthony Armiftead Willis Wilfon	Northampton:	John Cuftis William Waters ⁴
Effex:	John Battail Thomas Edmundfon	Northumberland:	Richard Hayney Rodham Kenner
Gloucefter:	James Ranfone Mordecai Cook	Princefs Anne:	Benoni Burroughs John Thorowgood
Henrico:	William Byrd ¹ William Randolph	Richmond:	Alexander Newman Samuel Traverfe ⁷
Ifle of Wight:	James Benn ² John Gyles	Stafford:	George Mafon John Withers
Jameftown:	William Sherwood ³	Surry:	Benjamin Harrifon John Thompson
James City:	Michael Sherman Henry Duke	Warwick:	Dudley Digges Richard Whitaker ⁵
King & Queen:	William Leigh Jofhua Story ⁶	Westmoreland:	Alexander Spence Ifaac Alerton
Lancafter:	Robert Carter George Heal	York:	Henry Jenkins Thomas Ballard
Middlefex:	Mathew Kemp Robert Dudley		
Nanfemond:	John Braffieur Thomas Jordan ⁸		

¹ Left the country fome time before October 23, 1697 (p. 104), and was fucceeded by *James Cocke* (p. 114).

² Died during this feffion of Affembly (p. 104). The Affembly was diffolved before a fucceffor could be elected.

³ Died during the feffion (p. 104), and was fucceeded by *Philip Ludwell, Jr.* (p. 108).

⁴ Was made fheriff of the county (p. 104). No fucceffor was elected.

⁵ Made fheriff of the county (p. 104), and no fucceffor was elected.

⁶ Made fheriff of the county (p. 104). No fucceffor was elected.

⁷ Made fheriff of the county (p. 104). No fucceffor was elected.

⁸ Made fheriff of the county (p. 104), and was fucceeded by *Robert Hubberd* (p. 114).

Burgeffes for the Affembly of 1698.

Accomack:		New Kent:	William Baffett
Charles City:	John Taylor		Gideon Macon
	Charles Goodrich	Norfolk:	James Wilfon
Elizabeth City:	Willis Wilfon		Malachy Thrufton
	Anthony Armistead	Northampton:	John Cuftis
Effex:	Thomas Gregfon		Nathaniel Littleton
	James Baughan	Northumberland:	Hancock Lee
Gloucefter:	James Ranfone		Richard Hayney
	Thomas Buckner	Princefs Anne:	Benoni Burroughs
Henrico:	William Randolph		John Thorowgood
	Thomas Cocke	Richmond:	William Colfton
Ifle of Wight:	Anthony Holliday		Thomas Lloyd
	John Gyles	Stafford:	George Mafon
Jameftown:	Lewis Burwell		Thomas Oufley
James City:	Philip Ludwell	Surry:	Benjamin Harrifon
	Thomas Cowles		Thomas Swan
King & Queen:	William Leigh	Warwick:	Miles Cary
	Richard Gregory		William Cary
Lancafter:	Robert Carter	Westmoreland:	Alexander Spence
	Joſeph Ball		John Scott
Middlefex:	Gawin Corbin	York:	Thomas Ballard
	Robert Dudley ^a		William Buckner
Nanfemond:	Thomas Milner		
	John Keeton		

^a No burgeffes reported.

^a Mr. *Robert Dudley's* name does not appear in the proceedings for this feffion, but he was a member of the Houfe for *Middlefex* for both the preceding and the fucceeding Affembly.

Burgeffes for the Assembly of 1699.

Accornack:	Tully Robinfon	New Kent:	William Baffett
	Thomas Welbourne		Gideon Macon
Charles City:	Robert Bolling	Norfolk:	Richard Church
	John Taylor		Mathew Godfrey
Elizabeth City:	Willis Wilfon	Northampton:	John Cuftis
	Anthony Armiftead		Nathaniel Littleton
Effex:	James Baughan	Northumberland:	Rodham Kenner
	John Taliaferro		George Cooper
Gloucefter:	James Ranfone	Princefs Anne:	Benoni Burroughs
	Mordecai Cook		John Thorowgood
Henrico:	James Cocke	Richmond:	William Coftnol
	Thomas Cocke		Thomas Lloyd
Ifle of Wight:	Anthony Holliday	Stafford:	George Mafon
	John Gyles		Rice Hooe
Jameftown:	Robert Beverley	Surry:	Nathaniel Harrifon
James City:	Henry Duke		Thomas Holt
	Philip Ludwell	Warwick:	William Rafcow
King & Queen:	William Leigh		Miles Cary
	William Gough	Westmoreland:	Alexander Spence
Lancafter:	Robert Carter		Willoughby Allerton
	Alexander Swann	York:	Thomas Ballard
Middlefex:	Robert Dudley		William Buckner
	Gawin Corbin		
Nanfemond:	Thomas Milner		
	Francis Milner		

¹ *William Randolph* had been chosen, but was made clerk of the Houfe before taking his feat (p. 159). In a fecond election the choice fell upon *Thomas Cocke*.

² *John Waugh* was elected a burgefs for *Stafford* but was not permitted to ferve, he being a clergyman. *Rice Hooe* was then elected (p. 166).

Burgeffes for the Affembly of 1700-1702.

Accomack:	Tully Robinfon	Nanfemond:	Daniel Sullevant
	Thomas Welbourne		Thomas Milner
Charles City:	Richard Bland	New Kent:	Gideon Macon ¹
	Joseph Wynn		Joseph Fofter
Elizabeth City:	William Armifthead	Norfolk:	Thomas Butt
	William Wilfon		Mathew Godfrey
Effex:	Thomas Edmundfon	Northampton:	William Waters
	John Catlett		John Powell
Gloucefter:	Peter Beverley	Northumberland:	Rodham Kenner
	Mordecai Cook		Thomas Hobfon
Henrico:	Thomas Cocke	Princcfs Anne:	John Thorowgood ⁴
	William Farrar		Edward Mofeley
Ile of Wight:	Henry Applewait	Richmond:	William Tayloe
	Thomas Gyles		George Taylor
Jameftown:	Robert Beverley	Stafford:	George Mafon
James City:	George Marable		William Fitzhugh
	James Bray	Surry:	Nathaniel Harrifon
King & Queen:	William Leigh		Samuel Thompfon
	William Gough ²	Warwick:	Miles Cary
King William:	John Weft		William Cary
	Nathaniel Weft	Westmoreland:	Alexander Spence
Lancafter:	Joseph Ball		James Weftcomb
	William Fox	York:	Thomas Barber
Middlefex:	Gawin Corbin		Thomas Ballard
	Edwin Thacker		

¹ Died before the opening of the third feflion (p. 337), being fucceeded by *James Taylor* (p. 370). Mr. *William Bird* had been elected to fucceed Mr. *Gough*, but he refufed to take the neceffary oaths (p. 363).

² *King William* was firft represented in the fourth feflion of this Affembly (p. 370).

³ Died before the opening of the third feflion (p. 338), and was fucceeded by *William Baffett* (p. 355).

⁴ Died before the opening of the third feflion (p. 338). His fuccelfor was *Adam Thorowgood* (p. 370).



Introductory Note.

THE text of the Journals embraced in this volume has been obtained from transcripts of copies in the *English* Public Record Office. No copy of any one of these Journals has come to light elsewhere. The volume contains the Journals of the House of Burgesses for the sessions of the General Assembly of 1695-6, 1696-7, 1698, 1699, and 1700-2. Though abstracts of the more important portions of the Journals have been printed in the volumes of the Calendar of State Papers [*English*] for the years 1695-1702, the Journals in their entirety appear for the first time in print in the present volume. The spelling, punctuation, capitalization, etc., of the manuscript Journals in the *English* Public Record Office have been faithfully followed, and even the abbreviations; for if liberties of any kind were permitted with the text, there would be great danger of going too far. The special characters used in indicating these abbreviations are: *̄*, indicating *ti* (men[̄]oned, for example, for mentioned); *♠*, indicating *leman* or *lemen* (*Gent♠*, standing for gentleman or gentlemen, usually the latter); *̢*, indicating *pre* (*̢*vent, for prevent); *q*, indicating *que* (*annoq*, for annoque); *̄m*, indicating *mm* (*su[̄]m[̄]on*, for summon). In general, a curve over a letter indicates the omission of a letter or letters either preceding or following the marked letter.

Preface

Historical Setting.

THE first Journal of the House of Burgeffes printed in this volume is that for April 18, 1695, the last is for August 28, 1702. At the date of the first William III had been king of *England* for more than six years, he and his wife, Queen *Mary*, the daughter of the deposed *James II*, having been proclaimed king and queen, with equal powers, on February 13, 1688 / 9. Queen *Mary* had died on December 28, 1694, only a few days more than three months and a half before the beginning of this period. For six years *England* had been engaged in that great war with *France* which *England's* allies—*Holland*, *Spain*, *Austria*, *Sweden*, *Savoy*, the *Palatinate*, *Bavaria*, and *Saxony*—had been waging since 1688, the object of which on the part of the allies was the thwarting of *Louis XIV's* desire to annex to *France* the duchy of *Lorraine*, the *Palatinate*, and the *Spanish Netherlands* and thus to bring his frontiers up to the River *Rhine*, and the object of which, so far as the people of *England* were concerned, was to render it impossible for *Louis* to place *James II* again on the throne of *England*. This war is known in *European* history as the War of the *Palatinate* or of the League of *Augsburg* (1688-1697). It had been for the purpose of drawing *England* into the war, rather than from sympathy with the downtrodden *English* or from his hatred to *Rome*, that *William of Orange*, stadholder of *Holland*, the great antagonist of *Louis* in his schemes of territorial aggrandizement, had consented to take the part played by him in the deposition of *James II*, his uncle and his father-in-law, and had accepted the throne for himself and his wife. Though aided by large numbers of *English* troops that fought with their accustomed obstinate courage, he had lost the two great pitched battles of *Steenkerke* and *Landen* (the former in August, 1692, and the latter in July, 1693), so managing on each occasion, however, that the enemy gained nothing of permanent value by victory; but in August, 1695, he achieved in the capture of *Namur* by assault, despite the efforts of an army of eighty thousand *French* to relieve the fortress, one of the greatest feats of arms of the age. It was his *English* infantry under Lord *Cutts*, nicknamed the *Salamander*, who in the operations leading up to the final assault especially distinguished themselves, and who forced from the taciturn king, as he viewed their gallant conduct, the exclamation, "Look, look at my brave *English*!" This exclamation and his victory gained for *William* a larger measure of popularity in *England* than had ever been his share before, for his disposition was cold, calculating, and distrustful; and this popularity, though, indeed, not great, added to the natural sympathy of the country with him in the loss of his wife (December 28, 1694), accounts to some extent for the enthusiasm with which the people all over the land entered, on the discovery of a plot in 1696 formed by Tories and Jacobites for the assassination of *William*, into the "Association," whose members pledged themselves to defend the life of the king, and on his death to maintain the Protestant succession,—though it must be confessed that religious motives and, to a much greater extent still, political motives are mainly accountable for the movement.

Very little active fighting was done after the fall of *Namur*, and *Louis XIV* finally consented to treat for peace. In 1697 the treaty of *Ryswick* was signed, according to the terms of which *Louis* gave up all the territory he had gained since the beginning of the war except the town of *Strafburg*. He also recognized *William III* as the lawful ruler of *England*.

This war between *France* and *England* spread to *America*, where the able Count *Frontenac* was governor of *Canada* and the different *English* colonies were prone to look upon themselves as separate governments, united, indeed, by a common speech, a common origin, and a common home government, but not obligated to carry on the war as a unit. Hence, though the home government called from time to time on the

other colonies to aid *New York* with men and money, since the frontiers of that colony were nearer than those of the other colonies to the seat of the *French* power on the continent, more accessible, and thus more likely to be the object of attack, the response was grudging and inadequate. The war in *America* was known as *King William's War*. It was, on the whole, unimportant, though *Count Frontenac* succeeded in setting in motion several expeditions, whose members were mostly *Indians*, against the *English* settlements. *Schenectady*, in *New York*, was burned, many of its inhabitants massacred, and others carried off to *Canada*. *Salmon Falls*, *Dover*, *Casco*, *Pemaquid*, and other villages suffered the same fate. In 1690 a colonial congress, made up of delegates from the colonies of *Massachusetts Bay*, *Plymouth*, *Connecticut*, and *New York*, met in the town of *New York* and decided upon a land expedition against *Montreal* and an attack on *Quebec* by sea. The land force was repelled without much trouble by *Frontenac*, and the fleet, commanded by *Sir William Phipps*, governor of *Massachusetts*, met with little better success, though it did, indeed, capture *Port Royal* (now *Annapolis*), which was, however, retaken by the *French* the following year. It failed dismally before *Quebec*, and was scattered by a storm on the way back to *Boston*, many of the men being lost. After this no further offensive operations were undertaken by the *English*, they being content with endeavoring to defend their frontiers from the enterprising *French* and *Indians*, who made life miserable along the whole extent of the frontiers, from *Maine* to the *Carolinas*. At the same time the colonists lived in constant dread of attacks on the seaboard by *French* fleets.

After the treaty of *Ryswick*, there was an uneasy peace till the latter part of 1701, when began on the continent of *Europe* the War of the *Spanish Succession*. Even at the time when that treaty was signed, it was seen that unless skilful diplomacy were resorted to there would be another general war at no very distant date. *Charles II*, king of *Spain*, was known to be in a precarious condition of health, and he had no child to succeed him on the throne, though there was no dearth of claimants to the succession. The dauphin of *France* claimed the throne of *Spain* through his mother, the elder sister of *Charles*. This princess had, however, on her marriage to *Louis XIV* solemnly renounced both for herself and her heirs all rights to the succession, and the *Spanish* Cortes had ratified the renunciation. The electoral prince of *Bavaria* claimed through his grandmother, the first wife of the Emperor *Leopold*. She was the younger sister of *Charles*. Following the example set forth by the elder sister, she also had, on marriage, renounced her rights and those of her heirs, but this renunciation had not been ratified by the Cortes. The Emperor *Leopold* himself laid claim to the throne on account of being the son of *Charles's* aunt. His mother had made no renunciation whatever. The question as to which had the strongest claim was a most difficult one to settle. Moreover, it was not to be supposed that *England* and the other powers of *Europe* would allow the vast possessions of *Spain* to go either to the *French* prince or to the emperor. These two, accordingly, were willing to waive their pretensions—the dauphin in favor of his second son, *Philip*, duke of *Anjou*, and the emperor in favor of the Archduke *Charles*, his second son. Then came the signing of what is known as the First Partition Treaty, to which *France*, *England*, and *Holland* were parties. By it the possessions of *Charles* were at his death to be distributed among the various claimants. The king of *Spain* in the meanwhile, by the advice of his counsellors, made a will bequeathing his possessions to the *Bavarian* candidate. This prince was the one among the aspirants most agreeable to the majority of the *European* nations, but, unfortunately, he very shortly died. His death necessitated the making of a new treaty by *France*, *England*, and *Holland* and the making of a new will by King *Charles* of *Spain*. In this new treaty *Louis XIV* consented to allow the Archduke *Charles* to have *Spain*, the *Indies*, and the *Netherlands* if *France* should be permitted to take *Lorraine*, the goal of *Louis's* desire for years, in addition to the *Italian* possessions of the *Spanish* monarchy. The new will, however, so the nations of *Europe* discovered to their dismay after the death of *Charles*, which occurred on November 3, 1700, named *Philip* of *Anjou* successor to all the *Spanish* possessions. King *Louis*, not allowing him-

self to be trammelled by treaty obligations, accepted the legacy for his grandson. In 1701 the duke of *Anjou* took possession of his inheritance, and then it was that *Louis XIV* declared in his exultation that the *Pyrenees* had been blotted out. Then came the occupation of the "barrier fortresses" by *French* troops, and, later in the year, on the death of *James II*, of *England*, the recognition by *Louis* of the son of *James* as king of *England*. After this, *William III*, who had been preparing for some time for the war, had no further difficulty in securing the active support of both the *English* Parliament and the *English* people. At the time of his death, *March 8*, 1702, preparations for the great conflict were being pushed, though war was not actually declared till *May 4*, by his successor.

The parliamentary measures of first-rate importance carried through in *England* in this period were three in number, namely, the establishment of the Bank of *England* (1694), the reform of the coinage (1695), and the passage of the Act of Settlement (1701). In the Bank of *England* the country gained an institution which could more safely take charge of the surplus wealth of depositors than the goldsmiths had done, and which could furnish the government, on the promise of interest, sufficient capital with which to meet emergencies, could emit a guaranteed note issue, and perform other functions of banking in such a manner as to gain the institution from that time to the present the admiration of all. With the restoration of the currency are associated the names of probably the two most famous *Englishmen* of their day, *John Locke* and *Sir Isaac Newton*, both of whom were called into consultation by *Charles Montague*, chancellor of the exchequer, when he was preparing the re-coinage bill, and the latter of whom, as warden of the mint, had the main share in the execution of the measure. The clipped and worn pieces in circulation were honestly redeemed by the government, and for them were substituted coins with milled edges. By the Act of Settlement, the passage of which was made necessary by the death in 1700 of *William's* nephew, the only surviving son of the Princess *Anne*, it was provided that on the death of *William* and of *Anne* the nearest relative of *Anne* who was not a *Roman Catholic* should succeed to the crown. It was according to the provisions of this act that in course of time *George I* became king of *England*. The act also established the two important constitutional doctrines that no minister of the crown could plead in bar of an impeachment by the House of Commons a pardon granted beforehand by the sovereign, and that all judges should hold office during good behavior.

In *Scotland*, this period was marked by the excitement of the attempted settlement by a *Scotch* trading company of the Isthmus of *Darien*, as the Isthmus of *Panama* was then called. *Scotchmen* of all classes eagerly took stock in a company for the settlement of this region, which, lying between two oceans, would, in the fancy of the promoters of the scheme, control the trade of the world. The unhealthfulness of the region was overlooked, as well as the fact that it was claimed by *Spain*, and two expeditions were sent, one in 1698 and the other in 1699, to plant the colony. Most of the adventurers, however, perished by disease, and in the spring of 1700 the feeble remnants were expelled by the *Spaniards*. The failure of the project was laid upon the shoulders of King *William*, who would not uphold with an armed force the intruders upon the territory of a friendly neighbor. Hence he became in *Scotland* more unpopular than ever.

In *Ireland*, the condition of affairs was even worse than in *Scotland*; for after the terrible fighting there in the early days of *William's* reign had been put a stop to by "the Pacification of *Limerick*" (1691), the terms of this treaty were most faithlessly broken by the *Irish* Parliament, now controlled by the Protestant minority of the people, when in 1697 a law was passed prohibiting *Roman Catholics* from becoming lawyers, physicians, or school masters, preventing their sitting in parliament, making marriages of Romanists and Protestants illegal, banishing all monks and all clergy except registered parish priests from the country, and prohibiting Catholics from possessing arms. Another law provided that if the son of a *Roman Catholic* professed conversion to the *English* church he should succeed to his father's property, of which those of his brothers and sisters who remained true to their faith should have no part. The

Catholic *Irish* were compelled to submit; for their fighting men had been killed in great numbers in the years just preceding the Pacification of *Limerick*, and on the surrender of *Limerick* eleven thousand of them had, according to the terms granted, failed to *France* to take service under *Louis XIV.*

This treatment of the *Irish* Catholics was almost as harsh as the treatment of the *Huguenots* in *France* after the Revocation of the Edict of *Nantes* a few years previously (1685), and was followed by a similar result—there was an extensive expatriation of the people. The *Huguenots*, on their part, despite the fact that by the order revoking the Edict of *Nantes* they were commanded to stay at home, on pain of being sent to the galleys for life if caught in the attempt to escape, left *France* in great numbers, going in an enriching stream to all the Protestant countries of the world, especially *Brandenburg*, *Scotland*, *Holland*, *England*, and the dependencies of *England*. Throughout the whole period of this volume of the Journals of the House of Burgesses they were coming as individuals or in companies to *America*. The people of the *Palatinate*, their country laid waste by the *French*, were also seeking homes in more fortunate lands, not a few finding their way across the *Atlantic*.

Assembly of 1695-1696.

First Session.

OF the Assembly of 1695-96 there were two sessions, the first lasting from April 18 through May 18, 1695, and the second from April 23 through April 30, 1696. At this time Sir Edmund Andros was governor of the Colony, continuing in office till December 9, 1698, when he was succeeded by Col. Francis Nicholson, who later became Sir Francis Nicholson. Governor Andros had assumed charge of affairs in Virginia on October 15, 1692. Before that time he had been governor of New York and, later, at the same time of New York, New Jersey, and New England, and had made himself everywhere most unpopular, the people of Boston, indeed, having, when news reached them of the Revolution in England, risen in insurrection against him and clapped him into prison, where he remained for many months before he was sent to England. The government of England, however, far from censuring him, rewarded him in course of a few years with the appointment to Virginia.

Virginia at that time consisted of twenty-three counties and one "city" (James City, later called Jamestown). The membership of the House was, accordingly, forty-seven; of whom on the day of the opening of the present session of Assembly there were thirty-nine present. Philip Ludwell was chosen speaker, and Peter Beverley and William Drummond commissioned clerk and messenger¹, respectively, by the governor. In those days the House found it possible to transact business by means of three standing committees, namely, the Committee of Elections and Privileges, the Committee of Public Claims, and the Committee of Propositions and Grievances, with the Committee of the Whole House and occasional special committees. The meetings took place in the building in Jamestown known as the state house, and the committees met in such places as were most convenient. The Committee of Propositions and Grievances met by order of the House at the house of Mr. William Sherwood, and the Committee of Public Claims at the house of Mr. John Broadnax.

Of the short speech² of the governor at the opening of the session, consisting of only six paragraphs, the majority of which are of a single sentence each, four have to do with commands which the governor had received from the king and queen. These were that he should send to the assistance of New York, on application of the governor of that province, a force of men drawn from the militia of Virginia, suitable supplies for whom would have to be voted by the General Assembly; that vessels should be fitted out to cruise along the coast for the apprehension of trading ships from Scotland and Ireland coming to Virginia in violation of the Navigation Acts;³ that suitable salaries should be fixed by law for ministers; and that the governor should encourage to the full extent of his ability the establishment of William and Mary College. The other two matters treated of in the governor's speech were the information that on account of Indian incursions the governor had found it necessary to continue the rangers on the

¹ The messenger performed most of the duties later devolving on the sergeant-at-arms.

² The word "speech," and not "address," was used in those days to designate oral communications made by governors to their assemblies; "address" was the term applied to the response by the House or the Council, or both forming an Assembly, and to a written communication to the crown.

³ The first navigation act, of broad scope, was passed in 1651. For this a clearer and more explicit act was substituted in 1660, which was itself amended and revised from time to time—notably in 1696. The object of the acts was to build up the English merchant marine. The provisions which most concerned the colonies were that the commerce of England with her colonies and of the colonies with each other should be carried on in English or colonial bottoms, and that there should be no direct trade in certain enumerated articles between the colonies and foreign countries, this trade having to be carried on through some English port. In trade relations Scotland was treated as altogether a foreign country, and Ireland as a foreign country to the extent that direct trade between Ireland and the colonies was prohibited by an act of the 22nd and 23rd of Charles II. For the whole period covered by the Journals embraced in the present volume there was great difficulty in having the acts carried out in the colonies. "Illegal trading" abounded. Toward the close of this period, too, out-and-out piracy grew to alarming proportions.

frontiers and even to add eighteen men and an officer to those on the upper *James* and as many on the *Potomac*,⁴ whose pay would now have to be provided for in the levy; and the recommendation that the amount of money to be raised by the poll tax should be lessened by the imposition of a duty on liquors imported.

After consideration of the speech in Committee of the Whole, the House resolved that an address be drawn up asking the governor to send to the House the several letters in which the royal commands had been conveyed. The address was duly prepared and delivered, and the letters asked for sent to the House for their examination and careful consideration. The address of the House to the governor, in reply to his opening speech, prepared by a special committee, of which Mr. *William Robinson* was chairman, was adopted by the House on April 30, just eleven days after the speech had been made. This paper, taking up the governor's suggestions in the order in which they had been presented, gives the views of the Burgesses on each. First, it was argued that the Colony was in no condition to send assistance to *New York*, needing all its forces at home, and being far too poor to furnish money. As for the second matter brought to their attention—the fitting out of armed vessels to cruise along the coast—the Burgesses politely intimated that it was one which the Lords of the Treasury, who had sent Governor *Andros* their majesties' commands in the premises, expected him to handle without recourse to the General Assembly. They did not doubt, they said, that his excellency would meet with success.⁵ The clergy, it seemed to the Burgesses, were already sufficiently provided for; and there was no occasion just at that time for the General Assembly to do anything further for *William and Mary* College. His excellency was thanked for his care in continuing the former rangers in service and adding others, all of whom should be paid according to the law then in operation, which, it was promised, should be reenacted so as to continue in force until the last of *October*, 1696. It was also promised that the governor's suggestion in reference to the passage of an act for taxing liquors imported should be carried out.

This address, so far as it related to the assistance of *New York*, did not altogether please the governor and the members of the Council. The Council respectfully requested a conference on the subject, and the Council members of the conference committee were able to persuade the House members to recommend that the sum of five hundred pounds sterling should be appropriated for the aid of *New York*. After postponing the consideration of this conference report for some time, the House finally, at the close of a long debate, determined to act in accordance with the recommendation. Hence the law having the title "An act empowering the governor, with the advice of the Council, to apply £500 sterling out of the imposition upon liquors raised this Assembly to the assistance and preservation of *New York* if found necessary" was passed. After a long preamble setting forth the desire of the Assembly to do all that in them lay toward the execution of their majesties' commands, and describing the poverty of the Colony, with the dangers on the frontiers, which necessitated the employment of a force for defense, and earnestly requesting their majesties not to call on the Colony again for such assistance, this act appropriated £500 for the purpose, to be expended by the governor, with the advice of the Council, upon application of the governor of *New*

⁴ In this the governor acted under authority conferred upon him by the law passed in *October* 1693 entitled "An act appointing rangers on the frontiers of the four great rivers." See *Hening*, III, 119-121.

⁵ This was merely their way of saying that the expense should be met out of "the revenue," the fund arising from the operation of the special revenue law passed in 1680. The title of this act was "An act for raising a public revenue for the better support of the government of his majesty's Colony." The revenue arising was for "the maintenance of the governor and several other officers and persons, as also for the forts and fortifications, besides many other contingent expenses." The act laid an export duty on tobacco of two shillings per hoghead (or 500 lbs. in bulk), of half a pound of gunpowder and three pounds of lead and shot (or, in lieu thereof, 1 s. 2 d.) per ton on all vessels coming into the Colony, and 6 d. per head on all persons brought in. This was the law which rendered the governor of *Virginia* to a great extent independent of his Assembly for support. The usual expenses of government, and even the extraordinary ones, could in times of peace always be met. It was only when something very unusual occurred that other revenue had to be found. For many years after the passage of the act there was always a wrangle between the governors and the Council on the one side and the House of Burgesses on the other as to what things should be paid for from "the revenue" and what from the funds obtained from the poll tax, or the customs taxes (usually duties on liquors and slaves imported) which it became popular in course of time to levy so that the poll tax might be decreased.

York, from the funds to be raised by the law passed at this session of the Assembly entitled "An act for lessening the levy by the poll and laying impositions upon liquors." This customs act laid a tax of four pence per gallon on liquors imported from and after the first day of *June*, 1695, till the last day of *October*, 1696, and the act for aiding *New York* had in it the proviso that the application from the governor of *New York* must come before the expiration of the customs act, and that even then it might be refused by the governor and Council, in their discretion.* The object of this proviso was to keep the money at home if at the time of the application *Virginia's* need appeared great.

Not content with setting forth in the preamble of the act the impoverished condition of the country and the motives animating the members of the General Assembly in passing the act appropriating the £500 for the assistance of *New York*, the Burgesses drew up an address to their majesties giving at length their reasons for thinking that *Virginia* should not be called on to aid *New York*,—which was, in their view, so far away that *Virginia* could not herself be benefited in any way by the assistance and might be much damaged in being weakened at a critical time. The Council were asked to join in this address to their majesties, as also in two others that the House had drawn up earlier in the session. On the last day of the session, when work was being rapidly pushed so that a prorogation might be had, the House having even gone into session at seven o'clock in the morning, the Council sent a message to the Burgesses to the effect that in their opinion the three addresses should be combined into one. To this proposal the House refused to agree. Hence, if the addresses were sent to *William* and *Mary*—of which there is doubt, since no provision appears to have been made for their presentation by an agent, nor was the governor asked by resolution of the House to see that they were presented—they went as the addresses of the lower chamber merely, and not as those of the General Assembly as a whole. It is probable that the delay of the Council in stating their position, and the proposal at the last minute that something should be done which there was no time for doing, even if otherwise the proposal might have been acceptable, were resorted to in order to defeat a movement from which they thought that no good would result but which they did not wish openly to oppose.

The other two addresses were occasioned by a petition from inhabitants of one of the counties of the Northern Neck asking that the Assembly consider the impositions placed upon the people of that section by the agents of the lord proprietor. Since the Assembly could do nothing directly to put an end to the practices complained of, it was determined by the House to draw up an address to their majesties, describing these practices at length, showing how they differed from those obtaining in other parts of the Colony and in what respect they constituted grievances, and asking their majesties to take appropriate steps for the relief of their loyal subjects in that part of the Colony. In the other address the Burgesses petitioned their majesties that they should grant to *Virginia* the liberal charter that King *Charles II* had actually signed in *March* 1675/6 but to which the impression of the great seal had not been attached. Since this charter made of the "governor, Council, and commonalty" of the Colony a body politic and corporate, able to purchase from the lord proprietor his rights in the territory, the grant of the charter would, it was thought, be a happy solution of an unsatisfactory situation. These two addresses, given in full on pages 28-31, are interesting and valuable papers.

The Council failed also to agree with the sentiments expressed in that part of the address of the House in reply to the governor's opening speech relating to the salaries of ministers. Accordingly, on *Saturday, May 11*, they asked for a conference with the House on this subject. Out of the conference grew a bill entitled "An act for the maintenance and supply of ministers," which passed the House on the 16th of *May*. When, however, it was sent to the Council for their concurrence, that body desired to increase

* For this act, see *Hening*, III, 132-134.

the amount of the salary of a minister from 13,333 $\frac{1}{3}$ pounds of tobacco per annum to 16,000 pounds. Since to this the House would not agree, the bill failed.⁷

Another measure of importance that failed because of want of agreement between the two chambers was the scheme for the revival of the laws. All were agreed that the laws were in great confusion and that a codification would be of immense benefit, but the House wished the body of codifiers, or revisers, to be made up in one way and the Council in another. Accordingly the people had to wait for several years before the work could be carried through. No bill was offered in reference to this matter, but several messages passed between the two chambers.

In addition to the bill concerning ministers' salaries, there were four other bills passed by the House to which the Council would not agree, namely, a bill for dividing *King & Queen* county, a bill to empower the county courts of *Accomac* and *Northampton* to make by-laws for preventing horses from running at large, a bill to empower the county courts of *James City* county to make by-laws to prevent hogs from running at large in the streets of *Jamestown*, and a bill designating how "probates and administrations" should be signed. With the last bill mentioned there was sent by the Council to the House a message explaining that the substance of the bill had been passed as a law some time before and that the law had been repealed by proclamation. It was explained, however, that the governor, for the convenience of the inhabitants of the Colony, had designated persons in the various counties "for signing the probates and administrations granted by their courts".⁸ These four bills had risen out of communications from the people asking that the conditions complained of be remedied. At this session of the Assembly no bill originated in the Council. Nor did any bill originate in the Council at any other session for the period covered by the present volume.

Six laws were actually passed.⁹ Two of these have already been described at sufficient length, namely, the *New York* assistance law and the customs law; and a third, namely, "An act appointing rangers at the heads of the four great rivers," has been referred to as having been promised in the address of the House in reply to the governor's opening speech. This law simply continued till the last day of *October*, 1696, the law passed in *October*, 1693, which was itself merely the reenactment of an earlier act. The act passed in 1693 continued in force only till the last day of *April*, 1695. It expired by limitation while the Assembly was in session, and the act continuing it in force was a little slow in going through the House—so it probably seemed to the governor—for on *May* 3 the speaker of the House presented to the House two letters sent him by the governor from officers in command of the rangers describing depredations lately committed by the Indians. On that very day the House passed the bill. The Council passed it on the eleventh, but for some reason it was not signed by the governor until the seventeenth. Thus it happened that for seventeen days men were in service on the frontiers for whose pay there was no legal provision. This hiatus was provided for, however, in the appropriation act of the session, which has the title "An act for raising a public levy," wherein it is provided that the pay of the rangers should begin "the last day of this instant month of *April*."¹⁰ An interesting feature of this law, as of other laws passed from time to time for employing rangers, was that the officers and men in service were required to furnish their own horses, equipment, and supplies, and wait for payment till the next public levy was made.

The next law passed was entitled "An act for enlarging the bounds of *Princess Anne* County." It provided for the enlargement of *Princess Anne* at the expense of *Norfolk*

⁷ The next year the bill was finally passed, with the amount wished by the Council written in.

⁸ The law referred to had first been passed in *June*, 1670, in the time of *Bacon's Rebellion* (*Hening*, II, 359), and it, with all other of "*Bacon's laws*," had been repealed by the Assembly at the following session (*Hening*, II, 380), but had then been reenacted. It, however, had been attached to an act having the title "An act limiting of receipt and payment of tobacco," which also had in it several other paragraphs not germane to the main subject of the bill as expressed in the title and not related to each other. This heterogeneous measure had been repealed by proclamation; and for this reason the Assembly were prevented by the general rule governing such cases from dealing with the matter further till special permission had been obtained from the crown.

⁹ All are given in full in *Hening*, III, 126-136.

¹⁰ *Hening*, III, 135, 136.

County, it having been shewn to the members of the General Assembly that an inequitable division of the original county, known as *Lower Norfolk*, had been made by the law of 1691.¹¹

The only other act passed had the title "An act for reviving the seventh act of Assembly made at *James City* the 16th day of *April* 1691, and for ascertaining the size of tobacco hogheads," the object of which was to prevent fraud in passing tobacco hogheads at a higher tare than their actual weight and the use of unfit material in their manufacture, and to prescribe the exact dimensions of hogheads for the future.

The laws that passed had their origin, some of them in recommendations of the governor, and some in petitions, proposals, and statements of grievances of the people to the General Assembly. These papers were as usual very numerous, and not by any means did all of them receive favorable consideration. Many were rejected, either because it seemed to the Committee of Propositions and Grievances, to which they were first referred, and then to the House, that the law already covered the cases, or because the thing asked for did not seem just or expedient. A careful examination of the petitions, propositions, and "grievances" discloses at this session, as at others, the subjects that were occupying the attention of the people, and gives an insight into the manners and customs of the time. For instance, on page 24 is the following entry: "The petition of *Thomas Gant* for a brief for reparation of certain great losses by fire, being referred from the governor and Council to this House, was read, and the House not thinking it proper to raise a public allowance and conceiving the power of granting briefs to rest solely in his excellency the governor, the said petition is therefore rejected." This means that *Thomas Gant*, having suffered great loss by fire, petitioned the governor and Council for a brief, that is, a letter authorizing the taking up of a collection, especially in the churches, for his benefit. This method of recovering one's losses being probably even at that time rather unusual, the governor, who, as representing the king in ecclesiastical matters, had the right to grant such a brief, preferred to pass the matter on to the House of Burgesses—with the result set forth.

Second Session.

The second session of this Assembly began *April* 23, and ended *May* 1, 1696. It seems that at the close of the preceding session the Assembly had been prorogued to the 31st of *October*, 1695. By a second prorogation, however, the time of meeting had been set for the 23rd of the following *April*. The governor would very likely have gladly prorogued them a third time, since smallpox, the most dreaded disease of those days, was prevalent in the neighborhood of *Jamestown*, had he not been afraid of being adjudged by the home government weak in his efforts to carry out the wishes of that government in reference to the assistance to *New York*. The appropriation of £500 made at the former session had been applied for by the governor of *New York*, who further demanded that *Virginia's* full quota of men, as commanded by the crown, should be sent him in order that an aggressive campaign might be waged against the enemy. The governor of *Virginia* felt that it was best that the Assembly should meet, so that this demand might be laid before them. Those members of the House, however, who obeyed his summons to come together—twenty-five, of a possible forty-seven—were not the least bit in a mood to stay in *Jamestown* to conduct any business whatever—certainly not the business of voting further supplies for *New York*. And when the governor finally became convinced of this fact by the several addresses sent him by the House, and by conversations, no doubt, with the members in private, he gave way as gracefully as he might, and on *May* 1 brought the session to a close.

The House had on the fourth day of the session resolved that a request should be made to the governor for a recess in the address in reply to the governor's speech. The other matter dealt with in this address was the proclamation by the governor of a day

¹¹ *Hening*, III, 128.

of thanksgiving for the preservation of the king, the success of the king's arms, and the tranquillity of affairs in *Virginia*. For this proclamation the Burgeffes returned to the governor hearty thanks.

In a further address to the governor, on the special subject of the quota of men for *New York*, the Burgeffes expressed the fear—which probably they did not wholly feel—that if any attempt were made to raise the men to be sent to *New York*, most of the young men would leave the Colony in order to avoid the service, as would also many who had wives and children. To this the governor replied that the Council, to whom this address had been read, did not by any means agree with the Burgeffes in reference to the temper of the people on the subject of service in assisting *New York*, and that, furthermore, the Council were of opinion that the king had the right to order one province to assist another in time of emergency. The Burgeffes replied in a vague and general manner that they stood ever ready to carry out the king's commands to the best of their ability; and with this declaration the governor had to be content.¹²

¹² See Calendar of State Papers [*English*], Colonial Series, *America and West Indies*, 1693-96, 672-675.

On the very day on which the Assembly was prorogued, the Council had a meeting as an executive body, and, since the quota of men could not be sent to *New York*, ordered £1000 in *New York* money to be transmitted, instead. This, of course, came out of "the revenue." £500 was merely advanced, however, the amount formerly voted by the Assembly. The purpose was that this should be repaid when the revenue accruing from the tax on liquors should be sufficient.

The Assembly of 1696-97.

THIS Assembly had, strictly speaking, only one session, which began *September 24, 1696*, and ended *November 3, 1697*; for on *October 31, 1696*, at the close of its first period of work, the Assembly was not prorogued, but the House was allowed to adjourn to the 29th of the following *April*, and, meeting on that day, was further allowed to adjourn till the 21st of *October*. Before the recess taken on *October 31, 1696*, all but one of the acts passed in the session had been disposed of, and this act was the act for raising the public levy for 1697. The act for raising the public levy for 1696 had been passed before the recess. Mr. *Robert Carter* was elected Speaker of the House; Mr. *Peter Beverley* was continued as clerk by the governor, and Mr. *John Childs* was appointed messenger.

The most important announcement made by the governor in his opening speech was that the appropriation of five hundred pounds granted by the Assembly for the assistance of *New York* had been accepted by the king, and that his majesty did not insist for the present on the Colony's furnishing 240 men (her quota) for service there. It was also announced that the king had sent over to *Virginia* a supply of ammunition and stores of war, and had promised that in case the *French* made a naval attack on the colonies speedy assistance would be forthcoming from the mother country. All, however, in *Virginia* was in tranquillity. The governor called the attention of the Assembly to the instructions formerly received by him and laid before the Assembly in reference to the maintenance of the clergy and the encouragement of *William and Mary College*. He hoped that these objects would be provided for, as well as measures taken for securing the munitions of war sent over and for providing against surprise, suggesting that the necessary funds for these and other purposes might be raised by continuing the duty on liquors. In this speech, too, he referred to the preservation of his majesty from assassination, and hoped that the day of thanksgiving and prayer proclaimed in *Virginia* had been religiously observed.

An appropriate address in reply to the governor's speech was made on the fifth day of the session, nearly all the subjects referred to in that speech receiving consideration; and in a later address to the governor, agreed to by the House on *October 16*, the information was given him that the House had passed a bill for the maintenance of the clergy, fixing the salary of a minister at 14,000 pounds of tobacco per annum. This bill, with the amount of salary raised to 16,000 pounds, the figure the Council had set at the former meeting of the Assembly, became a law, continuing in force till the Revolutionary War.¹ The House could not be brought, however, to do anything further for the college at that time.

As for the recommendation of the governor that provision be made for the security of the munitions of war, it was resolved that the placing of the ammunition and stores of war and the appointment of men to attend to them and to the great guns were matters entirely within the jurisdiction of the governor; but it was resolved that the governor be desired, with the advice of the Council, to employ watchers to seaward in order to prevent surprise from that quarter, and that these should be paid by the country. So impressed were the members of the House of Burgesses with the news in reference to the escape of the king from the assassination plot, and with his goodness as shown in the ways mentioned in the governor's speech, that, notwithstanding the observance not long before of a day of thanksgiving and prayer for the "goodness of God in preserving the king", they asked the governor to appoint a special day of thanksgiving

¹ It required the greatest exertion on the part of the Council to win the Burgesses over to this figure (see pp. 89, 91, 93). Later in the session, an address of the clergy made in general meeting at *Jamestown, June 25, 1696*, to the governor, of which, it seems, the Burgesses had before had no inkling, was sent them by the Council, who acted wisely in withholding it till after the passage of the bill. This is given in full in the Journal, as is the address to the governor in reply. The papers are of great interest as showing the feeling sometimes existing between the clergy as a body and the House of Burgesses.

and prayer to be observed by the General Assembly. The feeling of the time is well expressed in the reference to the preservation of the king as being "from an horrible and detestable conspiracy of Papists and other traitorous persons against his sacred person, and in that against all his loyal subjects and the Protestant religion."¹⁴ The day of thanksgiving and prayer, or the day of thanksgiving and "prayers" (the plural form of the latter word being always used), was duly appointed for *Tuesday, October 6*, and was, no doubt, solemnly kept; for there was no meeting of the House on that day. In addition, an association similar to the one which had been formed in *England* and extensively signed throughout the land was entered into by the members of the House, and a loyal address to the king drawn up expressive of their great joy at his deliverance from danger and also expressive of their thanks for his majesty's numerous acts of kindness to his faithful subjects in the Colony of *Virginia*. The address was signed by the speaker of the House in behalf of the House, and the "Association" was signed by each member. Both were carried to the governor with a request for his assistance in getting them presented to his majesty.¹⁵

The governor's recommendation as to the continuance of the duty on liquors—the act passed in *April, 1695*, expired by limitation the last day of *October, 1696*, in the midst of the present session—was taken into serious consideration, and a bill for that purpose introduced, of which the governor was duly informed in the second address; but only a day or two after the address was presented to the governor, the motion that the bill be engrossed was rejected. It seems that it had been found by an examination of the auditor's accounts that the former law, now just gone out of operation—it expired on the 20th of *October* and the vote was taken on the 22nd—had produced what appeared to be sufficient revenue for all the legitimate needs of government for the time being over and above those that might be met by resort to a moderate levy, that is, a tax laid on every tithable person in the Colony. Moreover, it was known that the governor had a strong dislike to the appointment of a special treasurer by the Assembly.¹⁶

The Assembly adjourned *October 31, 1696*. When it convened again, on the 29th of *April, 1697*, the House in an address to the governor informed him that before adjournment everything necessary had been done in reference to the several matters called to the attention of the Assembly in the governor's opening speech and in reference to the propositions and "grievances" laid before the Assembly, and that, since there was no new business either from the governor or from the people to occasion a sitting at that time, they were of opinion that a further recess should be taken. This was, accordingly, with the governor's permission, done, adjournment being had till the 21st of *October*. Meeting on that day, they were informed by the governor

¹⁴ See p. 64.

¹⁵ The Council were not asked to join in the "Association" and the address, for the reason, probably, that the House were not pleased that the Council had failed to unite with the House in the three addresses drawn up at a former session.

¹⁶ In *Hartwell, Blair, and Chilton's "Account of the Present State and Government of Virginia,"* pp. 61, 62, the following description of the management of the customs duties is given: "Whatsoever money duty is accidentally raised by the General Assembly, is usually collected by the collectors of the two shillings per hoghead, who are allowed ten per cent salary. They pay it to the auditor, who is allowed seven and a half per cent, and it is issued out by the governor's warrants to such uses as were appointed by the act of Assembly that raised it. The accounts of this are laid before the House of Burgesses, that they may be satisfied both how much is risen from such a fund, and that it is employed to the uses for which the General Assembly appointed it. The House of Burgesses have likewise pretended to a privilege of naming a treasurer for all money raised by themselves, without putting it in the auditor's hands, and that the treasurer should pay it away by their immediate orders, without any further warrant from the governor; which two things being lately denied them, they are much more averse to the raising of money: and perhaps their late refusing to renew an act for an imposition on rum, and other liquors imported, called 'The Imposition of the Groat a Gallon,' is to be attributed partly to this, and partly to the Council's refusing to ascertain the value of money."

This pamphlet, published in 1727, is made up of a report on the condition of *Virginia* made to the Board of Trade on *October 20, 1697*, at the request of that body. It is also published in full, or almost in full, in the *Calendar of State Papers [English], America and West Indies, 1696-1697*. Its authors were *Henry Hartwell*, Commissary *James Blair*, and *Edward Chilton*. Dr. Blair and Mr. Chilton had been before the Board separately and made oral statements, and Mr. Hartwell, being indisposed at the time set for his appearance before the Board, had sent a written report. The information given by these three gentlemen was considered so valuable that the Board of Trade requested them to draw up a formal joint written report.

in his opening speech that soon after their former adjournment the *Piscataway* Indians, living on the north of the *Potomac* River, had come over to settle on the *Virginia* side, that they had not yet been prevailed on to leave, and that other troubles caused by Indians had arisen, all of which the governor asked the Assembly to give their consideration. He also asked that there be passed a law for the better defense of the Colony, a law for regulating the militia, and a law in reference to juries—especially juries for the General Court. There were also various petitions, propositions, and “grievances” brought to their attention. However, the attendance was very poor, and it was felt from the start that consideration of all matters where it was possible to do so should be put off till a new session. Hence only the Indian troubles and the claims against the Colony, many of these arising in connection with those troubles, were seriously gone into, with the auditing of Auditor *Byrd*’s accounts as treasurer of the duties on liquors. Such propositions and “grievances” as were not rejected were put off till the next session of Assembly, as was the governor’s suggestion in reference to juries. In response to the governor’s recommendation that a new militia law be passed, it was resolved that the existing laws were, if put in force, sufficient. This opinion of the House was given to the governor in the address made him in reply to his opening speech, and he conveyed it to the Council, who had already had a conference with the House, at the suggestion of the House, on the subject of the Indian depredations. Now the Council asked for a second conference, at which the condition of the militia might also be taken under consideration. The views of the House were unchanged, a fact expressed in an address to the Council delivered on *Saturday, October 30*. This address also contained expression of the final views of the House in reference to the *Piscataway* Indians. The House held that the methods pursued so far by the governor in endeavoring to induce by persuasion the Indians to return to the north side of the *Potomac* were prudent and commendable, and that it would be inconvenient and dangerous to attempt to remove them by force, and not worth the risk. It was held, also, in reference to four Indians who had been tried by a court of oyer and terminer and pronounced not guilty but committed for safe keeping to the *Stafford* County prison, so as to insure their future good behavior, that it was expedient they should be released.

The acts passed at this session of Assembly—all of them except one, as mentioned above, passed before the first recess—are given in full in *Hening*.¹⁷ There was no great contest in the passage of any act except the “Act for the better support and maintenance of the clergy,” which has already been described. Though there were disagreements between the chambers as to certain provisions, one chamber or the other always gave way after a very short time. Several bills passed by the House failed before the Council, including a bill for regulating the value of the various coins circulating in the Colony,¹⁸ the bill of the preceding session for the division of *King* and *Queen* County, and the bill for allowing the county courts of *Accomac* and *Northampton* counties to make by-laws for preventing horses from running at large; and many bills offered in the House did not succeed in passing that body. The propositions and “grievances” from the various counties which their writers hoped would lead to the passage of bills—the papers which may be called suggestions for bills—were very numerous indeed. On the whole, it may be fairly said that the session was a very busy one—especially that part of it preceding the adjournment for the long recess.

¹⁷ *Hening*, III, 137-167. Their titles will be found on pages 101 and 102 of the present volume. Their objects are sufficiently well set forth in these titles, due regard being had to the peculiarities of the language used at that time. For instance, the word “evidence” in the title of one of the bills means witness, and the word “specialty” found in another title means any “instrument, under seal, containing an express or implied agreement for the payment of money.”

¹⁸ In this bill the House grappled with a very serious problem. Messrs. *Hartwell*, *Blair* and *Chilton*, in their report to the Board of Trade, have this to say in reference to the situation: “Last Assembly the House of Burgesses sent up a bill for ascertaining all coin, but it was thrown out in the Council, without so much as desiring a conference about it, or offering any amendment.” The authors of the report held that it was to the advantage of the governor to have little coin in *Virginia* and to use tobacco as the circulating medium, since he could pay for purchases with quit-rent tobacco (that is, tobacco collected in the payment of the quit-rents), which he bought from the king at much less than its market value, but which he passed at its full value in all other transactions. The members of the Council did the same thing.

The Assembly of 1698.

THIS Assembly had only one session, which lasted for only nine days—from September 28 through October 6, 1698. At the beginning it looked as if the session would continue a considerable length of time; for the governor in his opening speech called to the attention of the House various matters for their consideration, and the number of petitions, propositions, and "grievances" presented was as great as usual, and on all these matters the House had gone to work with earnestness. But on October 6, no previous warning having been given, so far as the Journal shows, the governor called the House and Council into the General Court room and dissolved the Assembly.

The matters called to the attention of the Assembly by the governor in his opening speech were the advisability of passing a law against pirates and privateers similar to the law existing in *Jamaica*; the observance in *Virginia* of the act of Parliament of the 7th and 8th of William III for preventing frauds and regulating abuses in the plantation trade; suitable acknowledgments to the king by the Assembly of their appreciation of the king's indulgence and care of the people of *Virginia* in the late war, whereby the people had enjoyed plenty and ease while other parts of his majesty's dominions were exposed to hardships; the failure in the past few years of the special revenue law passed in 1680 for the support of the government to produce enough revenue for that purpose; the necessity of establishing ferries in proper places; the regulation of the sale of liquors; and the passage of a law for obtaining suitable juries in the trial of cases. The House resolved itself promptly into a Committee of the Whole House for the consideration of this speech, agreed that a bill be prepared for restraining and punishing pirates, and referred the other matters to the Committee of Propositions and Grievances for the action of that committee before proceeding further. The Committee of Propositions and Grievances did not have time to report before the Assembly was dissolved.

Though this Assembly did not have time to pass any law, a question of great interest was decided at this session in respect to the qualifications of members of the House. The sheriff of Nansemond County returned Mr. John Keeton as duly elected a burgess from that county, and the return being in legal form, the House resolved (on the recommendation of the Committee of Election and Privileges, to which this return, and others, had been referred) that he had been duly elected and returned a member. Later it was brought to the attention of the House that Mr. Keeton was a foreigner. By an act of Assembly passed in 1679, however, he had been naturalized. Accordingly, the House decided that he had by this act been "admitted to all the privileges relating to this Colony which a native of *England* or this government hath."

It was not until later than this period that the custom of spreading upon the Journal of the House of Burgesses the speech of the governor at the close of a session began. Hence this Journal is silent as to the cause of the dissolution. But in sending in a report (dated October 31) to the Board of Trade of affairs in *Virginia*, Andros stated that he dissolved the Assembly owing to the action of the House in the Keeton case. He maintained that the decision was contrary to the act of Parliament entitled "An act for preventing frauds and regulating abuses in the plantation trade" (passed in 1696) preventing any but a native born *English* subject (those born in the *English* colonies being, of course, included under this term) from holding a place of trust in the courts of law or in the treasury department of any of the colonies. But the House of Burgesses was not a court of law, nor were its members connected with the revenue service except in so far as the House of Burgesses examined the treasurer's accounts. Andros's view is so farfetched as to lead to the suspicion that it was used only as an excuse. His successor in the government had been named and was soon to take charge of affairs,

he himself was far from well, and there was nothing of paramount importance needing the instant attention of the Assembly. Hence the thought may have occurred to him that he could save himself much unusual work and worry by sending the members of the House of Burgesses home.¹⁹

¹⁹ This *English* law of 1696 has in it the following proviso: "Provided always, That all places of trust in the courts of law, or what relates to the treasury of the said islands [that is, the plantations], shall, from the making of this act, be in the hands of the native-born subjects of *England* or *Ireland*, or of the said islands." Governor *Andros* had already construed this clause as preventing Commissary *Blair*, a native of *Scotland*, from sitting in the Council. His construction of the law may in the case of Commissary *Blair* have had some basis in reason, for the Council had judicial duties and also examined the accounts of the auditor. When, however, the matter was referred to the authorities in *England*, this construction was not upheld. On the contrary, it was held by the law officers that according to law a man born in *Scotland* was a "native-born subject of *England*." (See Calendar of State Papers [*English*], Colonial Series, *America and West Indies*, 1697-1698, p. 322, July 6, 1698). But even after the delivery of this opinion it was some time before Commissary *Blair* was again named as a member of the Council, the order that he be admitted being dated December 30, 1700.

Andros was fifty-five years of age when he came to *Virginia* as governor, and during the time of his residence here his health was very poor. Though naturally energetic and industrious, he was unable, on account of his age and his impaired health, to manage the affairs of the Colony to the satisfaction of the home government, especially after the creation of the Board of Trade in 1696. Abuses were rife in administrative circles in *Virginia*, but *Andros* did not at this time seem to have the capacity, even if he had the desire, to grapple with them. His reports to the Board of Trade—not by any means model reports, for he was a very unclear writer—showed conditions to be bad. Reports from others were more gloomy still. In addition, he was extravagant in his management of "the revenue," this fund being toward the close of his administration considerably in arrears, and he was hostile in his attitude toward the clergy in *Virginia* and toward *William and Mary* College. In these circumstances, the Board of Trade, determined to inaugurate reforms in the administration of affairs, saw clearly that the situation required the presence of a younger and stronger man. Their choice fell upon *Francis Nicholson*, *Andros*'s neighbor of *Maryland*, and formerly *Andros*'s deputy-governor in *New York*. *Nicholson*, when lieutenant-governor of *Virginia* some years before, had done well, and he was now in *Maryland* adding to his reputation. He was, too, casting longing eyes upon the governorship of *Virginia*, the most prominent position in the Colonies and the one having the highest salary attached. There is not wanting in the letters and papers of the times evidence that he helped, either directly or through his friends, to bring to the attention of the Board of Trade the weaknesses of Governor *Andros*'s administration and his own qualifications for the post of governor of *Virginia*. (The bases for the statements given in this note are too numerous for specific enumeration here. They are found in the Calendar of State Papers [*English*] for the years of *Andros*'s administration in *Virginia*, especially for the last two years, and in *William Stevens Perry*'s "Historical Collections Relating to the American Colonial Church, vol. 1—*Virginia*." *Hartwell, Blair and Chilton*'s report to the Board of Trade in 1697, better known as "An Account of the Present State and Government of *Virginia*" (published in 1727), is particularly valuable in this connection.)

The Assembly of 1699.

THE Assembly of 1699 had only one session, lasting from April 27 through June 8. The old state house had been burned down on October 21, 1698, and it was therefore necessary that the meetings this session should be held in one of the private residences at Jamestown. The loss of the state house, no doubt much bewailed at the time, was really a blessing in disguise, since it led to the speedy removal of the seat of government to Williamsburg, a much more advantageous location in every way than Jamestown. Only forty members were present on the opening day, and when the election of a speaker was entered into, a deadlock resulted, the vote being twenty for Mr. Robert Carter, who had been speaker of the House of the Assembly of 1696-97 and had been defeated by Mr. William Randolph in 1698, and twenty for his competitor, who was, though the Journal does not say so, probably Mr. Philip Ludwell, who had been speaker of the House in the Assembly of 1695-96, but who was defeated by Mr. Carter in the next Assembly, and who this session was made chairman of the Committee of Propositions and Grievances, far the most important committee of the House, where, as is shown by the work of that committee, he performed excellent service. Mr. Ludwell had also been chairman of that committee in the short Assembly of 1698. Mr. William Randolph could not have been a candidate for the speakership the present session, since he had been appointed by the governor clerk of the House. To this position a good salary was attached, whereas the pay of a member of the House was small and the speaker received no extra compensation at that time for his services. Mr. Randolph, who had been elected a member for Henrico, was obliged to resign, and the governor had to be requested to order a new election in that county.

In addition to the usual oaths administered to the members of the House of Burgesses by a committee of the Council, the members were at the opening of this Assembly, as at the opening of several succeeding Assemblies, called on to "sign the association," which means that they signed the pledge of the association formed in 1696 for the protection of the life of King William and the upholding of the Protestant succession to the throne of England.

This was the first session of an Assembly held since Governor Nicholson had for the second time assumed the reigns of government in Virginia, he now being full governor of the Colony, whereas during his former term he had been merely the deputy of Lord Howard of Effingham. His commission had been published in Virginia and he had taken over the management of affairs from his ancient enemy, Governor Andros, on the 9th of December, 1698. Even at the last there was no relaxing of the ill feeling existing between these two officials, Andros, so Nicholson reported to the Board of Trade, refusing to hand over to his successor the letters of an official character recently received and refusing to give him any account of the various funds of the government. Since "the revenue" was considerably in arrears—£4,600 sterling, as Nicholson afterwards found out—Nicholson commenced his term under a handicap. This fund had had a considerable amount to its credit when Nicholson resigned the government to Andros in 1692.*

Nicholson made his first speech to the House on the day after the opening, and in this he merely, following the usual form, directed them to make choice of a speaker. When, however, the voting on that day resulted in no choice, and on the next day the House, when it was found that no more members had come in, immediately on meeting had adjourned till the afternoon, the governor sent the House a message upon their reassembling commanding them not to adjourn again till choice of a speaker had been made. The next vote being the usual 20 to 20, the House appointed a committee to wait on the governor and explain the reason for the delay and to say that

* See Calendar of State Papers [English], 1699, pp. 47-49.

they hoped that by *Monday*—it was then *Saturday*— there would be a fuller attendance, so that the speaker might be chosen. The governor having received this communication—and it was necessary, since the proceedings of the House, be it remembered, were secret in those days, that some such method of acquainting the governor with the facts in the case should be adopted—called the House into his presence and desired them to adjourn to *Monday* in the afternoon or *Tuesday* morning. The house did adjourn till *Tuesday* morning at eight o'clock, when, meeting, they elected Mr. *Carter* speaker.

Monday, which was the first of *May* (*May day*), they had spent at *William* and *Mary* College as the guests of the governor, who had set apart that day as a "public day of rejoicing" at the continuance of peace and at the favors shown the Colony by his majesty King *William*. In his formal opening speech to the Assembly the governor spoke of *William* and *Mary* College as being in his opinion the best place at which to pass the day, since there the members of the Assembly might see for themselves what his majesty had done for the Colony and might also judge of the improvement made by the students of the institution. We may be certain that the governor had another reason, too, for entertaining the members of the Assembly so handsomely on that day; for a new state house was to be built, and it was the business of this Assembly to decide where that state house should be situated. Almost beyond a doubt, on that day it was settled that the state house should be built in the neighborhood of the College and that a town—"city" they called it—should be laid out as the capital of the Colony. The actual bill came later in the session, but the ease with which it was passed indicates that the way for it had been effectively prepared. It would not seem, however, that it ought to have been a very difficult matter to persuade the Assembly that *Williamsburg* was a more convenient place for the majority of the inhabitants of *Virginia* to reach than was *Jamestown*, and a more healthful place for all.¹¹

In this opening speech, after referring to the day of "rejoicing" and his desire to govern the Colony of *Virginia*, to which it was an extraordinary honor to be sent, in accordance with the commission of his majesty and the instructions of the Lords Justices¹² of *England*, he handed to the speaker of the House a letter recently received from the Board of Trade in reference to the passage of a law in *Virginia* on the subject of pirates.¹³ He then called to their attention the necessity of building a state house, the advisability of improving the militia laws, several letters and papers in reference to the rangers and the Indians, and an instruction from the Lords Justices in reference to the restraint of vice in the Colony, with some of his own proposals thereon. He closed his speech by promising to send other instructions from the Lords Justices when the members of the House were ready to receive them. These instructions, including the one in reference to vice, proved to be twenty-two in number. They are given on pages 136-138 of the Journal, and the House spent a great deal of time in considering them, in drawing up resolutions in reference to them, and in adopting an address to the governor embodying their views on these several instructions and on the other matters referred to in the speech of the governor. The resolutions of the House are given on pages 173-175, and the addresses on pages 186-189. The Board of Trade had spent much time in getting

¹¹ The "Act directing the building of the capitol and the city of *Williamsburg*" passed this session is given only by title in *Hening*, but the "Act continuing the act directing the building of the capitol and the city of *Williamsburg*, with additions," is given in full. See *Hening*, III, 419-432.

¹² The Lords Justices of *England* were the body entrusted with the government of *England*, after the death of *Mary*, by *William III* when on the continent engaged in the prosecution of the war against *France*. The body which at this time actually threshed out the business connected with the colonies was the Council for Trade and Foreign Plantations. This Council, usually referred to as the Board of Trade, formulated the commissions and instructions, which were sent to the Lords Justices when the king was absent, and to the king in Council when the king was in *England*, for final authorization. However, frequently in matters of less moment the Board of Trade sent orders to the governors direct. The Board of Trade was created by royal commission dated May 15, 1696. It was composed of eight paid members and all the chief officers of state as *ex-officio* members. For the first few years of its existence its most active member was the great philosopher *John Locke*, whose place was taken in 1700 by *Matthew Prior*, the poet.

A detailed history of this Board is found in *Oliver Morton Dickerson's "American Colonial Government, 1696-1765"* (Cleveland, 1912).

¹³ This letter urged that the law recently passed in *Jamaica* should be enacted in *Virginia*. A similar letter was sent to each of the other colonies.

together information in reference to the condition of affairs in *Virginia* in the last years of Governor *Andros's* administration.²⁷ They had studied *Andros's* letters and the various accounts and papers accompanying them, and had called before them and questioned various prominent men from *Virginia* who happened to be in *England* at that time. Particularly had they questioned Colonel *Henry Hartwell*, the Reverend *James Blair*, and Mr. *Edward Chilton*. Having obtained all the information possible, the Board drew up the instructions for the new governor. Anyone who reads attentively the Calendar of State Papers [*English*] for the last year or two of *Andros's* administration in *Virginia* and then reads these instructions, is bound to admit that the Board was composed, not only of able men, but also of hardworking men, and men who had the true interests of the colonies at heart. The affairs of *Virginia*, as well as of the other colonies, were not left to drift. They were given intelligent direction. The reader of the resolutions and the address of the House of Burgesses will see further, however, how impracticable it was for men in *England*, though of the highest ability and the best possible intentions, to draw up instructions which deserved to be carried out to the letter. For the best governmental results, there had to be added to the efforts of *English* statesmen the efforts of residents of the country freely elected to a representative assembly, who might supply a more minute knowledge of local conditions and an even deeper interest in the welfare of the country. In the Journal of the House for the Assembly now under consideration is found clearly set forth the part played by the elective representatives in *Virginia* in fitting the suggestions of the *English* board to the needs of the Colony. Some of the instructions conveyed by the governor were shown by the House to pertain to matters under the jurisdiction of the governor alone and not under that of the Assembly; some were highly approved of by the House and resulted eventually in acts of the Assembly; some were disapproved of, being shown to be unsuited to the circumstances of the country or contrary to the spirit of the constitution according to which government was being carried on. For instance, under the last head would fall the disposition of instruction No. 5, which called on the governor to secure the passage of a law allowing the governor and Council, without the concurrence of the House, to lay taxes on the people when the law of 1680 did not produce sufficient revenue for the support of the government. It was said that assemblies were expensive and sometimes cost more than the amount they were called together to raise. No doubt, it was also in the minds of the Board that the quit-rents would thus always be relieved, on which, though theoretically they went to the private purse of the king, it was customary to rely for support of the government when "the revenue" was, as was the case when this instruction was framed, in arrears. The Board did not, probably, realize fully the dwarfing effect that such a law would have had on the House of Burgesses. The House, however, did realize this and refused to pass the law, adopting, instead, the following resolution: "The fifth paragraph of the instructions from their excellencies the Lords Justices of *England*, wherein it is proposed that a law be passed empowering the governor and Council for the time being to raise, as there shall be occasion, a general levy or tax for the better support of the government, and being duly weighed and considered by this committee, they are of opinion that the holding of assemblies for the laying of the levy to defray the charges of this country is not at all burdensome or grievous to the inhabitants thereof, and that any other method of laying the same would be very unsuitable, uneasy, and inconvenient to this country." The origin of the instructions, the instructions themselves, and the disposition made of them by the House deserve the careful attention of the student of Colonial *Virginia* history.

The laws passed at this session of the Assembly, sixteen in number, several of them having their origin in the instructions referred to above and others in the propositions and "grievances" from the various counties, are to be found in full in *Hening*, iii, 168-199, 419-432. They are—several of them—of very great importance. All are interesting. The objects of most of them are clearly set forth in the titles, but the importance of some of them may only be appreciated after reading the scraps of information in reference to them given here and there in the Journal and reading the laws they were intended to replace. For instance, the "Act for the punishment of slaves for the first

²⁷ See Calendar of State Papers [*English*] for the period.

and second offense of hog stealing" seems, judging merely by the title, to be an act of very little interest indeed. But it is learned from the Journal¹⁵ that the act then in force, which was passed in 1692, provided that death should be the penalty for even the first offense of hog stealing.¹⁶ This was the penalty inflicted in *England* for that offense at that time. Before 1692 the *Virginia* law had not been so severe. By the present law the punishment for the first offense was reduced to whipping. On conviction of a second offense the negro or slave was compelled to stand in the pillory for two hours, with his ears nailed thereto, and at the expiration of the time to have his ears cut off.

Three of the acts of the session were revenue acts—one the usual act for raising a public levy, and the other two unusual acts for raising the money with which to build the new capitol. The first of these laid a duty of four pence a gallon on spirituous liquors imported from any country except *England*, *Wales*, or the town of *Berwick* upon *Tweed* and one of a penny a gallon on beer and ale; the second, a duty of fifteen shillings on each servant brought in from any country except *England* or *Wales* and of twenty shillings on every slave. Each act was to continue for three years and no longer. It was provided in each that the money collected should be kept by the treasurer and accounted for to the General Assembly. The act naming this treasurer was duly passed at this session, the person named by the General Assembly being Col. *Robert Carter*, speaker of the House. In one respect, the "Act appointing a treasurer" passed at this session, the second act of the kind to be passed in *Virginia*, was greatly superior to the first: the present law provided how a vacancy in the office should be filled, whereas the first did not.¹⁷

The most important act of the session, next to the "Act directing the building the capitol and the city of *Williamsburg*," was probably the "Act appointing a committee for the revival of the whole body of the laws of this his majesty's Colony and Dominion," whose object the Assembly had for several sessions been vainly attempting to effect, it having been embraced in one of the instructions sent over from *England*, and the necessity for it having been recognized by all. Fortunately, this session the antagonistic views of the Council and the House were reconciled by a conference committee named from members of the two chambers before the bill was actually drawn.¹⁸

In the present session, as soon as it became apparent that this law for the appointment of revisers would be passed, a great many of the matters brought to the attention of the House were not finally disposed of but referred to this Committee of Revisers. Only the questions of more pressing importance were fully considered at this time. Hence the length of the session was considerably shortened, a desideratum strongly urged by the governor in the message delivered to the House on the 10th of *May*, in which he brought the question of the revival specifically to their attention. It had already come before the House in one of the instructions which he had delivered the House as having come from the Lords Justices of *England*.

One of the most serious questions considered by the House and the Council at this meeting of the Assembly was the Indian situation. The *Piscataway* Indians, who had crossed over from *Maryland* to *Virginia* some time before, were now occupying an island in the *Potomac* about seventy miles above any *English* settlement and menacing the frontiers. It was reported that an Indian called *Esquire Tom*, guilty of numerous crimes, including murder, was there harbored by the *Piscataway* Indians. The question was whether or not he should be demanded of the *Piscataway* "emperor." Finally, after much consultation on the part of both House and Council, it was agreed that since this island was reported to belong to the province of *Maryland* and it was not absolutely certain that *Esquire Tom* was being harbored there it would be best not to demand his surrender, but that a proclamation should be issued requiring his apprehension should he at any time be found within the bounds of *Virginia*, and offering a

¹⁵ See p. 162.

¹⁶ For the law of 1692, see *Hening*, III, 102.

¹⁷ The first act providing for a treasurer was passed in 1691, in *Nicholson's* first administration, and this second act was passed when he again became governor. Governor *Andros* would not, as has been stated, allow the people to have a treasurer named by the General Assembly and accountable to them.

¹⁸ The committee worked for several years, and finally most of the bills drawn up by them were enacted into laws in 1705.

reward of £10 sterling to any "person or persons, Christians or heathens" who should apprehend him, and that the governor of *Maryland* should be notified of the crimes committed by him, and desired to take such steps as might seem proper for his apprehension if he should be found in that province. It had already been resolved by the House that if, in the opinion of the governor and Council, it should become necessary before the next meeting of the Assembly to employ rangers on the headwaters of the *Potomac* River, this might be done and the next Assembly would pay the expenses. This seems to have been a weak handling of the situation; for the *Piscataways* continued for several years to come to commit depredations on the frontiers and even to murder the outlying inhabitants.

At this session of the Assembly a greater number of disputed elections than for many years came up for settlement, and one case involving the qualifications of members. This was the case of Mr. *John Waugh*, a clergyman, returned a Burgess from *Stafford* County. It was voted by the House that his profession disabled him from serving, and a new election was ordered by the governor. The law in *Virginia* did not specify that clergymen were not eligible to membership in the House, but in this action the House followed the *English* custom and also a *Virginia* precedent of the year 1653.²⁹ The contested election cases were those of Mr. *Thomas Godwin*, jr., of *Nansemond*, Mr. *Anthony Armistead* of *Elizabeth City* County, and Mr. *Bartholomew Fowler*, of *Jamestown*. After consideration Mr. *Armistead* was declared by the House duly elected, but Mr. *Fowler* was unseated, his opponent, Mr. *Robert Beverley*, being put in his place. On the very same day, however, Mr. *Fowler* had his wounded feelings salved by appointment to the position of clerk of the Committee of Propositions and Grievances. The questions involved in these cases are not given. The case of Mr. *Godwin*, however, is reported a little more fully. It seems that the sheriff of *Nansemond* refused to allow a poll to be taken, although requested by the friends of Mr. *Godwin's* competitor to do so, insisting on making the return from a mere inspection of the size of the two parties of adherents. It was held by the House that the sheriff should have allowed the poll and that therefore the election must be held over again.³⁰ As a result of the second election, Mr. *Godwin* was again returned by the sheriff as duly elected, and the House admitted him as a member. But he did not long keep his seat in peace. On the tenth day after he had taken it, a petition of *Thomas Milner*, complaining of his election, was received in the House and referred to the Committee of Propositions and Grievances, and a few days thereafter the petition of Mr. *Milner* asking that orders be given for the appearance of his witnesses. When these came some days after this and some of the witnesses of Mr. *Godwin*, the House itself entered into a trial of the case, but the sheriff and Mr. *Godwin* wishing time in which to summon further witnesses, it was resolved that the case be postponed till the second day of the next session. But on the next day the House were informed that the sheriff, Mr. *Milner*, and Mr. *Godwin* were at the door of the House asking that the matter be settled speedily. Hence the House went into the case again that afternoon, and determined that of the qualified voters Mr. *Milner* had had at the election 93 and Mr. *Godwin* 91, and that Mr. *Milner* accordingly was entitled to the seat. This case caused a great deal of excitement, and out of it grew the act passed that session entitled "An act for prevention of undue elections of Burgesses", in which it was provided that a poll should be taken when demanded.

The relations between the House and the Council were markedly friendly at that session, as were the relations between the governor and the House. All seemed to be working in harmony. The governor was in his speeches courteous, though his first message in reference to the election of a speaker may have been slightly peremptory; and his methods of dealing with those who had offended him were conciliatory.³¹ He had not yet developed those dictatorial and irascible manners later ascribed to him by his enemies.

²⁹ *Hening*, I, 378.

³⁰ The law at that time does not seem to have required that in such a case a poll should be taken, but it is probable that the practice of allowing one had become well established. The poll was always allowed in *England* if demanded by either candidate.

³¹ See page 197.

Assembly of 1700-1702.

First Session.

OF this Assembly there were five sessions, the first lasting from *December 3*rd through *December 27*, 1700; the second, from *August 6* through *October 2*, 1701; the third, from *May 13* through *May 29*, 1702; the fourth, from *June 18* through *June 25*, 1702; and the fifth from *August 14* through *August 28*, 1702.

Since the close of the preceding Assembly several things of unusual importance had happened. In *April*, 1700, the *Shoreham*, the *English* guardship on duty at the mouth of the *Chesapeake* Bay, had succeeded in capturing in *Virginia* waters a large *French* pirate ship. Governor *Nicholson* was on board the *Shoreham* at the time, and his presence and behavior were largely responsible for the achievement. The ship had been adjudged lawful prize, and orders in reference to it were asked from *England*. Three of the men had been condemned to death in *Virginia*, and the others sent to *England*. The expenses incurred in looking after these prisoners while in *Virginia* had now to be paid, for the governor and Council had refused to pay them out of "the revenue," the truth being that this fund was still in arrears. In *June* a band of Indians, supposed at that time to be *Piscataways*, had murdered no fewer than eight persons in *Stafford* county. Too late to prevent these atrocities, but early enough to protect the frontier in that direction from further outrages, the governor and Council had ordered out the rangers whom the last Assembly had contingently provided for. These had now to be paid. On the 23rd of *July*, a considerable body of *Huguenots*²² had arrived in *Virginia* and later had been settled at *Manakin Town*, above the falls of the *James* River, where there was much good land still unpatented and where they might serve as a protection to the frontier. Special legislation on their account was now necessary. The Committee for the Revival of the Laws had been meeting in *Jamestown* from time to time, but the progress made in the work of revival had not been great, owing to the fact that the number required by the law for a quorum (six—two members of the Council and four Burgesses) was too great.

When the Assembly met on the fifth of *December*, twenty-eight members were present of a total membership of forty-seven. The meeting place was the hall of *William and Mary* College, quarters more commodious and comfortable than the Burgesses had for some time enjoyed. Other members came in from day to day, the two from *Accomac* not reporting till *December 13* and those from *Northampton* not till the sixteenth. It is probable that the weather was unusually bad even for *December*. Mr. *Peter Beverley* was chosen speaker. Mr. *Robert Carter*, speaker for the preceding session, was now a member of the Council, and was one of the committee of the Council commissioned to administer the various oaths to the members of the House. Mr. *William Randolph* was reappointed clerk. At the beginning of the session the governor very generously presented to the House a gown for their speaker and a mace to be borne before the speaker "as an ensign and token of honor and power." As was to be expected, a petition to the House was not long in making its appearance from an applicant for the position of mace-bearer. The House, however, resolved that the office of mace-

²² The preceding Assembly had been prorogued several times since their meeting in *April-June*, 1699. Pursuant to the last prorogation, nineteen members had come together for a session on the 24th of *October*, 1699; on the next day four were added. Since it seemed likely that at best the attendance would be very poor, and since the governor was himself ill, it was thought best by the governor and the Council that the Assembly should be dissolved. On the next day writs were issued for the election of a new House of Burgesses, who were to meet with the Council in an Assembly on the 5th of the following *December* (Calendar of State Papers [English], 1700, p. 620).

The governor had been taken sick when on his way to attend a conference of colonial governors in *New York*, and had suffered a relapse a little after his return to *Virginia*. Even in *December*, when the present Assembly came together for their first meeting, he was not well enough, though convalescing, to leave his bed-room, whither the Assembly were obliged to go to hear his opening speech. (See letter written by Dr. *Blair* to Mr. *Wm. Popple*, for Governor *Nicholson*, on *December 13*, 1700, in the Calendar of State Papers [English], 1700.)

²³ For full account of these, see R. A. Brock's "*Huguenot Emigration to Virginia*" (Vol. 5 of the *Virginia Historical Society Collections*), and Calendar of State Papers [English], 1700.

bearer and that of messenger might very well be held by the same person, and so reported to the governor, who accordingly commissioned *John Chyles (Chiles)* "to be his majesty's messenger and mace-bearer in this Colony."

At the opening of this session the governor was ill. In addition, several members of the Council were absent, and the season was unpropitious. It was accordingly proposed by the governor in his opening speech that only such matters should be attended to this session as could not be postponed. To this proposal the House readily consented. The subjects called to the attention of the House in this speech were the *Huguenots*, an instruction received from the Lords Justices that a house for the governor should be erected,¹⁴ and the settling of the claims against the Colony, especially those arising from the capture and trial of the pirates. In a second speech to the Assembly, made on *December 16*, when the governor was so far recovered from his illness as to be able to meet the Assembly in the General Court room, he called more particular attention to the expenses incurred in reference to the pirates, expressing the hope that soon a method of meeting these expenses would be devised by them, seeing that the people of the Colony profited so greatly by the suppression of those marauders. When these matters were taken under consideration, the House quickly came to the resolution that a bill should be prepared making provision for the *Huguenots*, and that the country was not in condition just then, in view of the many obligations facing it, to undertake the construction of a house for the governor. Later in the session, the claims of a usual nature were provided for, but the claims arising from the capture and trial of the pirates were with great difficulty disposed of. The Committee of Public Claims, to whom they were as a matter of course at first referred, reported after a considerable time that they should be paid out of funds immediately under the control of the Assembly—that is, out of the proceeds of the public levy or of the import duties—but the Committee of the Whole House, by whom this report was further considered, reported that the conclusion had been reached that these claims should not be paid by the Colony. This report was adopted by the House.¹⁵ However, the governor would not allow the matter to rest there, but, determining to use his influence to the utmost, made a third appeal to the House, in which he argued that either the House should hold his conduct in having captured the pirates as reprehensible or should pay the expenses incurred. The House had already delivered to the governor their address in reply to his opening speech, in which occurred the strongest expressions of commendation of the governor's courage and management in the capture of the pirates; and the affair was so evidently one of the greatest and most lasting benefit to the country, that those members who had opposed the payment of the claims finally consented to the passage of a resolution that his majesty should be presented with the sum of £420 sterling toward the payment of the charges incurred in the whole affair. It seemed, no doubt, to the majority of the House that by making this contribution to the royal treasury, which would come to the claimants through what the House deemed the regular channels, and by refusing to pay the claims directly, they were saving the principle for which they were contending, namely, that these claims were "no country charge," and were at the same time showing their gratitude at the outcome of the affair and their desire to please the governor, the man who had risked his life in the adventure. The Council very readily agreed to the resolution.

Provision was made for the *Huguenots* by the act entitled "An act making the *French* refugees inhabiting at the *Manakin* town and the parts adjacent a distinct parish by themselves, and exempting them from the payment of public and county levies for seven years."¹⁶ It was necessary that a distinct parish should be erected in order that the refugees might have their own minister and conduct worship in their own manner. When the bill drawn by the House reached the Council, that body desired a conference

¹⁴ This was one of the original instructions given him on his first assuming charge of affairs in *Virginia*, but he had not before seen fit to urge it upon the House.

¹⁵ On page 227, where this action of the House is recorded, there is some confusion in the text, due to error in transcription of the records, but the context shows that the above description of the situation is correct. The twentieth and nineteenth lines from the bottom of the page should read: "Resolved, That the House doth disagree to the resolves of the Committee of Claims," not "Committee of the Whole House," as printed.

¹⁶ See *Hening*, III, 201.

with the House on the subject of adding a clause making an appropriation of ready money for the present relief of the distressed refugees. The conference was held, but the House refused to add the clause, holding that the condition of the *Huguenots* was not so desperate as to demand relief from the country. However, when the governor, on the day following this action, issued a brief (that is, a permit that a subscription should be taken up in the churches and elsewhere) the members responded with some degree of liberality as individuals.

Besides the act for the care of the *Huguenots*, there were only three acts passed at this session: one, prolonging for five years the act of 1699 prohibiting the exportation of Indian corn, the passage of which had been necessitated by severe droughts for several years; another, reducing to three the number of the Committee of Revival necessary to make a quorum—a very important measure; and the third, making provision for laying the public levy.³⁷

At this session, too, the House drew up a moving address to his majesty, in which the Council joined—a rather unusual circumstance at that period of the history of the Colony³⁸—setting forth the unusual demands on the Colony as an excuse for not attempting at that time to obey the instruction in reference to the erection of a house for the governor, and calling attention to the fact, however, that a contribution had been made his majesty of £420 in their appreciation of an “extraordinary and eminent service”—the capture of the pirate ship. These declarations were made the basis of the request that his majesty’s quit-rents might be used for the erection of the capitol, the payment of future expenses arising in connection with the revival of the laws, the building of a house for the governor, and for all other extraordinary expenses that might in the future arise. In a word, the request was made that the quit-rents, arising in the Colony, should be allowed to be expended there. The governor was asked to use his best efforts to have the address properly presented. This he seems to have done, but the address had no effect so far as the accomplishment of its object was concerned.

It was not necessary at this session to do anything further in reference to the *Piscataway* Indians, who had been quieted.³⁹

Second Session.

This session lasted from the 6th of *August* through the 2nd of *October*, 1701. Its proceedings are probably more voluminous than those of any other session of equal length in the history of the Colony, for the speeches made by the governor to the Assembly and his messages to the House, the addresses of the House to the governor, and the messages of the two chambers to each other, are unusually numerous and lengthy. Besides, there is recorded one of the fullest addresses to the crown from the General Assembly ever sent from colonial *Virginia*. The proceedings cover ninety pages of the present volume—more than a fifth of the entire space devoted in it to the text of the Journals. The great War of the *Spanish* Succession was about to open, and the *English* government was making preparations both at home and in the colonies. Believing that as soon as war was declared the *French* in *Canada* would probably make an attack on the province of *New York*, the *English* ministers sought to have such forts erected

³⁷ All the acts of this session are found in *Hening*, III, 200-203.

³⁸ On the subject of addresses sent from *Virginia* to the crown the writers of “An Account of the Present State and Government of *Virginia*” have the following to say:

“The other way the General Assembly might be looked upon as a check to the governor and Council, is by making representations of their complaints and grievances to the Court of *England*.”

But ways likewise have been found to prevent this, and very effectual ones too: For, first, whatever is of this nature will never receive the assent of the upper house, which consists only of the Council, for the reasons above set down, whereby it appears that in all human probability the Council will still be devoted to the governor, be governor who will; and therefore these complaints or petitions can never have so much weight and authority, coming only from the House of Burgesses, as if they came from the General Assembly.” (Ibid. pp. 26-27.)

³⁹ Indeed, it is very probable that these Indians were not the murderers. They maintained that Indians from the west, incited by the *French*, were the guilty parties. To prove their good will, they had consented to return to their original position in *Maryland*, much farther down the *Potomac* River than was the island in that river occupied by them at the time the murders were committed. Even before the murders were committed, they had entered into an agreement with the authorities of *Maryland* to return. (For papers bearing on this affair, as well as on the migration of the *Piscataways* to the upper *Potomac*, see Calendar of State Papers [*Virginia*], I, and Archives of *Maryland*, XXIII, XXV. For the proceedings of the Assembly of *Maryland* in reference to the *Piscataways*, see Archives of *Maryland*, XIX, XXII, XXIV.)

on the frontiers as would render such an attack abortive. *New York* was called on to do what she could, and since the interests of one appeared to be the interests of all, the other colonies were called on to furnish a part of the money, and if *New York* should be attacked to send their quotas of men to her assistance. It was the same old demand that had stirred up strife before. The king's letter to Governor *Nicholson* embodying the order was written on the 19th of *January 1700/1*. On receipt of it the governor had called his Council together and then the Assembly. The letter was the all important topic requiring attention. Had the House been left alone with the letter or even if the House and the Council had been left to do what they wished with it, the time consumed would not have been great, but at every turn there was the governor to be reckoned with, so that, what with the disposal of this matter and with the disposal of other matters of importance, the session ran on and its proceedings accumulated.

In his speech at the opening of the session the governor laid this letter before the Assembly, with a letter from the lieutenant governor of *New York* on the same subject, and one from the Right Honorable *James Vernon*, his majesty's secretary of state, concerning a squadron of *French* men-of-war which it was supposed might have designs on the colonies. He promised that other matters should be laid before them shortly. He said: "Myself and his majesty's honorable Council (more of which I daily expect) do intend, God willing, as occasion offers, either to speak with or to send to you." This promise he amply fulfilled. Later on it turned out that hardly a day came on which he did not call the House into his presence for a speech or on which he did not at least send them a message. In truth, his speeches and messages must have become very wearisome to the House, for in reference to the main ideas presented by him he and the House were wide apart and the governor had the virtue of persistency. The governor was always fond of talking and of writing messages, and at this session, because opposition to his views was rife, he surpassed his former record. He remembered what effect a speech of his had had with the House in the former session, when he had prevailed on them to pay the charges arising on the capture of the pirate ship and the trial of the men, and he hoped to repeat his victory. Circumstances now were, however, different. Then the Council were with him; now in his main fight—for assistance to *New York*—against him. Nor was his manner so pleasing now as it was then. He seemed on occasion to be overwrought, distraught. Idiosyncrasies appeared. His speeches lack occasionally the good judgment he formerly displayed, and the good taste. For what shall be thought of the governor of a Colony who would in a public speech refer to a private matter of great delicacy as did Governor *Nicholson* in a speech delivered to the House on *September 22, 1701*? One sentence of this speech is as follows: "And I do assure you I look upon myself obliged in duty both to God, his majesty, and the inhabitants of this country, to venture my life and fortune in the defense of our most holy religion and his majesty's interest and service, more especially in this his Majesty's most ancient and great Colony and Dominion of *Virginia*, and for the safety, welfare, and prosperity thereof in general, for which I have such an exceeding great love and affection, and for the natives thereof in particular, but principally for one of them." In this awkward sentence—more awkward, it must be said, than *Nicholson's* sentences usually are—he beyond doubt referred to his affection for one of the young women of the Colony.⁴⁰

⁴⁰ This was Miss *Burwell*, who did not reciprocate his feeling. He is reported to have said in his anger that on the day of her marriage to any other than himself he would kill three men—the bridegroom, the officiating minister, and the justice who issued the license. To this affair, the reports in reference to which are probably exaggerated, some ascribe *Nicholson's* final removal as governor; for the object of his affection was related to several members of the Council, and these, on account of his peculiarities and fits of violence, combined against him. It is more than likely, however, that the animosity of the members of the Council was kindled against the governor some time before the affair had its inception, or at least before it became a matter of public talk; for *Nicholson* refused to appoint members of the Council to the collectorships, which before his time they had held, and also refused to endorse their request for an increase of salary. His experience in this affair did, no doubt, however, cause the governor to become a bit cynical and for the time critical of the country. In one of his letters to the Board of Trade he gives vent to his views in the following language: "... for there is little or no encouragement for men of any tolerable parts to come hither. Formerly there was good convenient land to be taken up, and there were widows had pretty good fortunes, which were encouragements for men of parts to come. But now all or most of those good lands are taken up, and if there be any widows or maids of any good fortune, the natives, for the most parts, get them; for they begin to have a sort of aversion to others, calling them strangers." (See *Nicholson's* letter to Board of Trade dated *Dec. 2, 1701*.)

Nicholson's speeches and messages of the session had reference in the main to the question of the assistance to *New York*, with the method of the House in dealing therewith, and to the preparations of the country against possible attack in the coming war, but he also made many suggestions in reference to other matters. His twenty-one proposals sent in on *August 26*, in so far as they do not deal with the question of defense, show what in general the governor thought would be for the good of the country. These were all duly considered by the House, who passed resolutions containing the judgments they had arrived at, and referred to them in the formal address of the House to the governor in reply to his opening speech and other speeches and messages. Several of the suggestions made met with the hearty approval of the House and became embodied in laws passed either at this session or at following sessions. Where the matters seemed important, but not absolutely pressing, they were referred to the Committee for Revival of the Laws, which it was thought would be ready to report at no very distant date, and to this committee were also referred the great majority of propositions and "grievances" handed in which the House thought ought to result in the passage of laws. In regard to many of the suggestions the House did not agree with the governor, and so expressed themselves in their resolutions and in their addresses.

All agreed that the Colony should be put into a position of defense, but as to the details there was the greatest difference of opinion. The House and the Council took precaution, before the preparation of any bill on the subject of defense, of having the whole matter thoroughly gone over by a conference committee of the two chambers. The report of this committee was made the basis of the bill drawn up at the command of the House by the Committee of Propositions and Grievances for securing the frontiers, but the committee was directed by the House to take into consideration also the amendments proposed to the report by the governor and Council when the report had been delivered to the Council, these amendments having been duly transmitted to the House, and any other proposals that they might think proper. The Committee of Propositions and Grievances were also directed to draw up a bill concerning the militia, using as the basis the bill already prepared by the Committee of Revival, altering and adding as they saw fit, and also considering the report of the conference committee and the amendments suggested by the governor and Council. The act for defense, as it finally received the governor's signature, has for its title "An act for the better strengthening the frontiers and discovering the approaches of an enemy."⁴ The idea underlying the act was that the best way to settle the frontiers was to have settlements made by companies of people in strong positions, the settlers being required to have their dwellings on a tract of 200 acres, within which should be a fort. Its main provisions were that from ten to thirty thousand acres of land should be granted to societies of men, according to their numbers, who should hold the land in common and make rules for the management of it. Surveys were to be made at public expense, and quit-rents paid out of the colonial treasury for twenty years. The settlers were to be exempted for this period from the payment of all colonial, county, and parish levies, and from all military service except in their own defense. Two men were appointed as lookouts in each of the counties of *Elizabeth City*, *Accomac*, and *Northampton*, who were to keep constant watch along the coast and report to the military officers anything of a suspicious nature. All chief officers of the militia in the frontier counties, either by land or by sea, were empowered on an alarm to impress men, horses, and boats to carry the information to the governor and to the chief officers of the neighboring counties, and were also empowered to call out the militia, who were to be paid according to a fixed rate whenever the service for which they were called out extended beyond five days.

The militia bill ordered by the House at the same time with the bill for strengthening the frontiers was finally reported by the committee and passed the House. When it reached the Council, they proposed that a conference be held on it. Since the Council had not accepted or rejected or proposed amendments to the bill, the House resolved to reject the proposal of the Council until the bill should be returned to the House in

⁴ See *Hening*, III, 204-209.

the usual manner. The Council then returned the bill, with several amendments. The House agreed to some and rejected others, then asked for a conference with the Council on those that had been disagreed to. This conference could not smooth out the trouble. Hence the bill fell through."

One more attempt was, however, made to place the Colony on a war footing. On *September 17*, after it had become evident that the House and the Council would not be able to agree on the militia bill, the House added to their address to the governor in reply to his several speeches and messages a clause stating that they had considered what was the best method of enabling the country to meet any emergency that might arise in the times of trouble ahead, and had decided that since keeping a standing force would be too burdensome it would be best to empower the governor till the next session of Assembly, with the advice of the Council, to levy, on an emergency, sufficient forces for the defense of the country, to be paid by the Assembly at the next session. The governor made this clause of the address the subject of a speech of considerable length, delivered to the House on *September 22*, in which he thanked the House for the confidence reposed in him and promised to execute the trust faithfully should occasion make it necessary for him to do the bidding of the House. He said that he would, however, fail in duty if he did not plainly tell them the difficulties that would arise if untrained and poorly armed militia were called upon to oppose an invasion of trained *French* troops. He earnestly recommended the purchase of arms and ammunition, which should be stored in convenient places along the land and sea frontiers. He offered to bear a part of the expense himself, and to advance the needed money, since it was necessary to be expeditious and to take advantage of the sailing of the vessels for *England*, now close at hand. He laid before them papers containing lists of all the militia in the country and accounts of all the arms and ammunition in the various counties. Furthermore he made several proposals:

1. That the pay of the various grades of officers and of the privates be fixed by the enactment of a law.
2. That since by law of *April, 1684*, it was provided that no man's arms or ammunition might be impressed, and since a great many of the militia were very poorly armed, and, accordingly, it would be very difficult for him to get together speedily a sufficient force if there should be an invasion, the proposed law should provide for the purchase of all the arms and ammunition in the hands of the merchants of the country.
3. That muster masters should be appointed in each section of the Colony, who should drill the militia, inspect the arms and equipment, and make reports to the governor.
4. That the law to be passed should give the governor the power in emergency to impress such arms and ammunition as he should find necessary, notwithstanding the law of 1684.
5. That these arms should be paid for by the country—not out of "the revenue"—and should, after the occasion for their impressment had passed by, be put in magazines for the use of the country.

The next day the House considered in Committee of the Whole House the speech and the proposals, passing the following resolutions:

1. That there was a sufficient supply of arms and ammunition in the country, and that therefore it was not necessary to raise a fund for the purchase of more.
2. That a bill should be drawn for ascertaining the pay of the officers and soldiers who might happen to be raised for the defense of the country.
3. That the governor should be given the power to impress, on necessary occasions, arms and ammunition, which power would obviate the necessity of buying up at present all the arms in the stores of the merchants.

" It is not known what were the exact points of difference between the two chambers, but, judging from the differences of following years, they probably were as to the number of times per annum the militia should be drilled, the Council standing for a larger number than the House would agree to; and as to the public's furnishing arms to the poorer militiamen, the Council favoring this and the House opposing.

4. That the law should have a clause calling on commanders to take particular care that the existing law relating to the militia requiring each man to furnish his own arms and ammunition should be duly executed.

5. That muster masters were unnecessary.

6. That in cases where arms were impressed the original owner might have the choice of taking them again after the expedition was over or of selling them to the country.

The bill, which had the title "An act for levying and arming an effectual force in time of danger," was duly brought in and passed. The Council, after considering it several days, sent it back with amendments, some of which were agreed to by the House and some rejected. On the same day that it was returned to the House the governor made another long speech, especially, though not entirely, on the matter of the assistance to *New York*. In this he devoted several paragraphs to the recent action of the House in reference to the measures to be taken for defense. One of these was: "I hope you have taken care that there be no clause in your bill for levying and arming an effectual force in time of danger which may be in the least repugnant or disagreeable to that paragraph of his majesty's royal letter to me, which you have, concerning the furnishing a quota of men for his majesty's province of *New York*, nor to one of their excellencies the Lords Justices their instructions to me, the copy of which I gave your speaker." This showed serious trouble ahead for the bill for levying the force; for the governor and the Council were agreed that a certain proviso in the bill should be stricken out. Finally all the differences between the House and the Council in reference to the bill were composed except that in reference to this proviso, which was in these words: "Provided, also, that neither this act nor any matter or thing therein contained shall be deemed, construed, or taken to extend to the giving or declaring of any power for the transporting of any of the inhabitants of this Colony and Dominion or any way compelling them to march out of this Colony and Dominion." The House were determined that under no circumstances might the men to be raised be ordered from the Colony to *New York* or anywhere else. They were evidently afraid that the governor would, if called on by the governor of *New York* for assistance in men, raise the force by virtue of this law, and, if not expressly prohibited by the law, march them away, and expect the Colony at the next session of Assembly to pay the bill. The House, however, did not say this openly. What they did say, was that there had been so much talk in the country about marching men to *New York*, and the inhabitants were so opposed to it, that, without this proviso, it would not be possible to raise men on occasion of an alarm, since they might fear that it was a manufactured alarm, and that the real object of the governor was to get men for the purpose of sending them to *New York*, whence it would happen that many would abscond for the time being and the law be rendered futile, and the Colony, in case of real danger, be left defenseless. The proviso, they maintained, did not seek to negative the prerogative of his majesty in the least in the matter of raising men in one colony and marching them into another. It merely applied to men who should be raised for a special purpose in *Virginia* and paid by the Colony. Accordingly, this bill failed. Thus, so far as the defense of the Colony was concerned, the end of the session came with only the new legislation enacted embraced in the "Act for the better strengthening the frontiers and discovering the approaches of the enemy," which became one of the permanent laws of the Colony.

The order of his majesty for furnishing assistance in money to *New York*, and of men if the Colony should be attacked, was with unusual unanimity disposed of by the House, though it required several sessions of the Committee of the Whole House to formulate what seemed to the House to be appropriate resolutions and to decide upon the best method of bringing their views to the attention of the crown. And a great deal of the time of the whole session was employed by committees and by the House in embodying their views in appropriate addresses to the governor and to the king, securing the assent of the Council to the address to the king, and in replying to the various speeches and messages of the governor on the subject. The resolutions agreed

to by the House were, in substance, that the order had been obtained from the king by misrepresentations made by the inhabitants of *New York* merely to gain contributions for the erection and maintenance of forts to protect the trade with the Indians carried on by the *New York* people; that the forts already erected on the frontiers of *New York* furnished no security to *Virginia*, since "strange Indians"—that is, Indians not belonging to tribes with which the Colony had treaties—frequently came upon the frontiers of the Colony and committed murder; that no new forts could be built in that province which would be of any greater use, the distance of *New York* from *Virginia* being so considerable; that it was absolutely necessary that the conditions should be truly represented to his majesty, and that the best method of doing this was the employment of an agent—Mr. *William Byrd*, jr. was chosen later though not unanimously; that the condition of the Colony was such that it was not able to send the nine hundred pounds to *New York*; that sending the quota of men would endanger the safety of the Colony, and that furthermore, it was improbable if any men were dispatched, on an invasion, they could reach their destination in time to be of any service; and that because of the several public engagements already entered into and the necessity for making provision for the security of the Colony from time to time in the future, it would not be possible to furnish money in lieu of men. The committee appointed for drawing up the address to his majesty and for preparing instructions to the agent was by special order empowered to send for persons and papers and to employ a clerk—such was the estimation of the importance of the business in hand. This committee reported in time the draft of the address, which was considered in Committee of the Whole, and to it some amendments were added. It was then sent to the Council, who agreed to it with a few amendments. The Council also agreed to the address informing the king that an agent had been appointed to represent the Colony in the matter.

The address in reference to the assistance to *New York*, given on pages 314-316, is a full and able paper,⁴³ containing as its main ideas those set forth in the resolutions summarized above. It is, however, very naturally, rather exaggerated in its statements, and its authors would not allow themselves to see that there was force in the argument that the *French* would more likely attack *New York* than any other province, and that if this were conquered, or if even only *Albany* and the country adjacent were conquered, the Five Nations of Indians would likely form an alliance with them, breaking away from their alliance with the *English*, and then *Virginia* would suffer indeed the full horrors of Indian warfare, these Indians of the Five Nations knowing the way hither. Even when they were in alliance with the *English*, they committed depredations in small parties unauthorized by the whole body. This argument is forcibly presented in the governor's speech made on *September 29*.

In the case of the assistance to *New York*, the address to his majesty, and the appointment of the agent the governor could do nothing with the Assembly. The majority of the Council and the House as a unit were against him. So far as the agent was concerned, however, he could see to it that provision for the pay of the agent should not be made; for any order made by the House on the treasurer for the payment of money had to be concurred in both by the Council and the governor, and the concurrence of the governor could not in this case be had. Hence on the last day of the session the House passed a resolution requesting the Hon. *William Byrd* to transmit to Mr. *William Byrd*, jr., the addresses, signed by the members of the Council⁴⁴ and of the House, and copies of the proceedings of the House at the present session and of the sessions of 1693 and 1695 so far as they related to the order for assistance to *New York* at the present time or formerly, all of which Mr. *Randolph*, clerk of the House, was ordered to furnish, and requesting the Hon. *William Byrd* to write to Mr. *William Byrd*, jr.,

⁴³ This estimate would be more readily acquiesced in were the address printed in modern form, with modern punctuation and spelling, and correction of the rather numerous errors made by the clerk of the House, or an assistant, in copying. For instance, on page 314, in line 3, "your plantations" should be "our plantations;" on page 315, in line 34, "the number of our fire men" should be "the number of our freemen."

⁴⁴ Only four members of the Council signed them. This was a majority, however, of those present.

asking him to do whatever might appear necessary, and promising him that the House would be accountable to him for his disbursements and for a suitable reward. The knowledge that the governor would not agree to an order on the treasurer to pay the agent probably had its weight with the House when they decided to employ as agent some one who was already in *England*; for expenses would thus be saved, and the amount to be paid at some future time out of the country's funds would be smaller.⁴⁵

The governor refused to sign the order to pay *William Byrd* for his services as agent, because he was opposed to the address and because he was also opposed to having any agent appointed, holding this to be unnecessary, though he was willing to give in in this matter—it seems—if the House had agreed to certain proposals made by him for raising revenue with which to buy arms and ammunition, pay the forces, and give or lend the £900 called for as an assistance to *New York*.⁴⁶ There was another order for the payment of money that he refused to sign because of what it failed to contain. This was the book of claims, containing all the claims against the public agreed upon by the House and the Council. There were two items which the Council wished inserted in this book and which the House insisted on omitting, namely, one to Mr. Auditor *Byrd* for £146. 8s. 6d., on account of money advanced by him—probably out of “the revenue”—to various claimants, and the other for £63 for the purchase of a site for the governor's house, which, though no appropriation had yet been made for it, was one of the things to be provided for in the near future. The House and the Council had several conferences on the subject of these two claims, and the governor had expressed himself forcibly in reference to them more than once. The House held that they were “no country charges,” but should be paid from “the revenue.” It was necessary that the book of claims should be passed before the levy was laid, for the book showed how much had to be raised. On the day before the close of the session the House sent a message to the Council asking that the book as sent up by the House be passed in order that the levy bill might be drawn. Before a reply to this message was received, a message came from the governor saying that he would not pass the levy bill unless those two items were included among the claims, or unless the House consented to put the money for payment in the hands of the treasurer and leave the question as to whether or not the two items were “country charges” to the home government.⁴⁷ Of course, the House would not agree to this compromise, since there was no doubt as to what the verdict of the home government would be. They sent the governor a message stating that they had already fully expressed to him in two addresses their view that these items were not legitimately such as should be paid by the country; and in a second message they called on the Council to return the book of claims, so that the public levy might be pro-

⁴⁵ Mr. Auditor *Byrd* duly sent the papers to his son in *England*, who prosecuted the business faithfully, drawing up a petition to the queen to be allowed an audience at which he might present the address and be heard in its advocacy. He actually did present the address to the Board of Trade. Col. *Robert Quarry* (the name is also spelled *Quarry*) presented a memorial to the Board of Trade highly praising *Nicholson's* conduct of affairs and giving an account of conditions. He was in *Virginia* during the time of the August-October 1701 meeting of the General Assembly. In addition to this, the governor sent over to *England* *Dionysius Wright*, clerk of the Council, to represent the affair from his point of view. Mr. *Byrd* was not allowed to appear before the Board of Trade, but was told that he had been directed by the Assembly to present the address to the queen. (By the time the address was considered by the Board of Trade Queen *Anne* was on the throne). He was also told that the proceedings of the Assembly were irregular, the governor being the proper channel of communication with her majesty or her majesty's government so long as these communications did not contain complaints against the governor. The Board of Trade said, further, however, that they would make such representations to the queen on the subject-matter of the address as after consideration they deemed fit. These representations, made in due time, strongly condemned the appointment of an agent by the General Assembly, and urged that the forts, being far advanced toward *Canada*, were a great protection to all the colonies. It was advised that in a letter to Governor *Nicholson* from the queen notice should be taken of the irregularity, and that he should be directed to use his best persuasions with the Assembly to incline them to a voluntary compliance with the request for assistance. (See Calendar of State Papers [*English*], 1702.)

⁴⁶ (See pp. 319-320.) The inclusion of the payment of the agent in these proposals was probably a mere bait; for if the assistance had been granted, there would have been little use in the appointment of the agent, except, indeed, to represent the trials undergone in obeying the order and to ask for the return out of the quit-rents of the money advanced.

⁴⁷ All that would have been necessary to do in order to get the money for this purpose into the hands of the treasurer would have been to pass a joint resolution, signed, of course, by the governor, instructing the treasurer to segregate the amount from the money already in his hands, the proceeds of the tax on liquors and slaves.

portioned. The governor replied, to the effect that since the House refused to have "his most sacred majesty" pass upon the merits of the controversy, he would be compelled to refuse to pass the claims. Then came the reply of the Council in these words: "His excellency's concurrence to the claims being absolutely necessary before the levy can be proportioned, which concurrence his excellency has by several messages to your House (communicated to us) signified to you that for several reasons he cannot grant, we think it unnecessary for us to give any further answer in that matter." In response to this the House raised a question of procedure, which was, that in regular course all matters should be passed upon both by the House and the Council before they were offered to the governor for his approval or disapproval. They further maintained that heretofore the governor's assent to the book of claims had never been given except in the levy bill, prepared on the book of claims as a basis. The Council then asked that the book of claims of the preceding session should be sent them. This was done, and also the Journal of the preceding session to show that the book of claims for that session was sent only to the Council for their concurrence, and the book of claims for 1697 and the one for 1699 to show that both were returned signed merely by the Council. After inspection by the Council the Journal and the three books of claims were returned, and later the book for the present session, with a message stating that the books of claims had always been signed by the Council with the governor standing by and giving his verbal assent, this being all that was thought necessary, and that no governor had ever failed to sign the levy laid after the book of claims had been assented to. The point raised by the House was one having little practical importance; for all admitted that the signature of the governor was necessary to the passing of the levy act, and this act was based on the book of claims. However, after this, *Nicholson* seems always to have signed the book of claims, and the governors succeeding him did the same.

So much trouble was had this session over this question of what things should be paid for by "the country" and what from "the revenue" that the governor and Council sent a proposal to the House that a law should be passed to "distinguish what shall be accounted a country charge and what shall be paid out of the king's revenue." The House agreed to this, but ordered that the matter be referred to the Committee for Revival of the Laws.⁴³

At this session final disposition was made of the controversies that had arisen in reference to the ownership of pieces of land in *Pamunkey* Neck and to the south of the *Blackwater* Swamp. These had been, some of them, of long standing and had arisen out of overlapping surveys and grants and out of the encroachment by the whites on Indian lands. At the 1699 session of Assembly a commission, made up of members of the two chambers, had been appointed to examine into the whole matter. At the present session their proceedings were gone into thoroughly by a joint committee of the House and the Council, and the House itself insisted on examining without the help of the Council into one or two controversies to which attention had been more recently called, this stand being taken, apparently, because one of the claimants in one of the new cases was a member of the Council. The report of the joint committee and the report of the special committee were considered at the same time by the House, and the resolutions thereon passed by the House were finally agreed to by the Council and the governor.

It having been found that there were several squatters on lands reserved for the *Pamunkey* Indians, a bill was introduced, which passed both the House and the Council having the title "An act for quieting the possessions of several persons seated within the bounds of the lands laid out for the *Pamunkey* Indians," the object of which was to allow the squatters already on those lands to remain. The governor, however, could not be induced to sign the bill, since he had received special instructions to permit no encroachments on Indian lands, and the bill was also in contravention, as he expressed

⁴³ This the committee was unable to do; for no such bill was reported by them in 1705, when finally their work was laid before the General Assembly. (See the Journals for the session of that year.)

it, of "the 136th act of Assembly in the printed book."⁴⁰ But he said that if an address to the king on the subject were drawn up by the Assembly, he would take care that it should be presented, in which case, till the royal pleasure was known, he would not disturb those in possession unless they attempted to make further settlements. It was then, however, so late in the session and the temper of the House was so stirred up by their differences with the governor on other matters that his suggestion was not acted on. Instead, on the last day of the session they took up to the governor this bill, with the others that had been passed by both chambers of the Assembly, for his signature, which was, of course, not appended.

Only a small portion, relatively, of the lands in *Pamunkey Neck*⁴¹ and south of the *Blackwater Swamp* had been up to this time declared open to settlement, and the longing eyes of the people were upon the whole of it. Accordingly the House and the Council drew up an address to the governor asking that it should be declared open. Before the address was handed the governor he learned the contents of it, and took occasion in one of his numerous speeches to say that in his opinion the laying open of these lands to general settlement in this way would very much hinder the operation of the act just passed by the House and the Council for strengthening the frontiers.⁴² He said, however, that he would take the address, if finally handed him, under further advisement. It was accordingly handed him on the last day of the session.

Though the lands in *Pamunkey Neck* had not all been open to settlement, grants for some of them had already been regularly made. The county covering that whole section of the Colony was *King* and *Queen* County. It embraced all the territory between the *Pamunkey* on the south and the *Rappahannock* on the north. The *Mattapony* divided the county into two sections, eighty-nine freeholders inhabiting that part south of the river. These now petitioned that a new county be formed. After some opposition the petition was granted: a law was passed for the division of the county. The part of the old county south of the *Mattapony* was erected into a new county, called *King William*, and the part north of the river retained the original name.

At this session of the Assembly only six acts were passed. Two of these have been already referred to. All are to be found in full in *Hening*, iii, 204-215. The first given in *Hening* is the act for strengthening the frontiers. The second has the title "An act for the more effectual apprehending an outlying negro who hath committed divers robberies and offences." By it the death penalty was to be inflicted on the negro whenever he should be captured, and a reward was offered for killing or capturing him. A proviso was added that if the negro should be killed in pursuance of the act his owner should be paid four thousand pounds of tobacco. The negro surrendered himself at a time when this measure had passed both the House and the Council but had not yet received the assent of the governor. His excellency and the Council thereupon sent a message to the House asking their opinion as to what should be done with him. The inexorable House resolved that the bill already passed provided what should be done, and that it lacked only the governor's signature. Since this signature was added the next day, presumably the negro was hanged at once. The third act has the title "An act giving power to the sheriffs attending the general courts to summon jurors and evidences within the City of *Williamsburg* and half a mile round the same," and was passed because *Williamsburg*, the place in which the sessions of the General Court were henceforth to be held, lies on the line dividing *James City* and *York* counties. The governor had recommended that this act be passed unless a rearrangement of the existing counties should

⁴⁰ (See p. 320.) The governor here refers to the collection of the laws of *Virginia* printed about the year 1684 and usually called *Purvis's Collection*. The law is entitled "Acts concerning Indians," and is to be found in *Hening*, II, 138-143. It was passed in March 1661/2, when the laws of *Virginia* underwent a revision. *Hening* says: "This act appears to be a digest of the former laws, relating to the Indians, which are very numerous." The law forbade the encroachment of the whites upon Indian lands under any pretense whatever, and even the purchase of land from an Indian or Indians.

⁴¹ This term was applied to the section of country between the *Pamunkey* and the *Mattapony*, extending indefinitely to the west.

⁴² See p. 320. It will be remembered that the main provision of this act was for granting large areas of land free to companies of men who would agree to settle together in a village or town.

be made, a step that he thought necessary, and thus *Williamsburg* be thrown far within either *James City* or *York*. The fourth act is the one for dividing *King & Queen County*. The fifth is one for continuing the acts laying impositions on liquors and slaves till the 25th of *December 1703*. The passage of this was necessary in order to obtain the money with which to complete the capitol and the revision of the laws, and pay such of the militia as might in the near future be called into service to repel an invasion or overcome an insurrection. The sixth act had the title "An act giving further direction in building the capitol and for building a public prison." It was passed because changes in the plan of the capitol had been determined on and because it was recognized that a prison house was a necessity.

In addition to the laws, two ordinances were also enacted, neither of which is given in *Hening* even by title. One of these had for its object the prevention of the sale of liquor by ordinary keepers to the workmen employed on the capitol, and the other the extension of the boundary lines of the several counties south of *James River* through *Blackwater Swamp* and on to the *North Carolina* line in the same direction in which they ran up to that swamp, which was then their southern boundary. These matters were attended to in ordinances rather than in laws because the measures were designed to be temporary. The enactment in reference to the workmen had to be merely temporary since the capitol would in a year or two be finished. The one in reference to the bounds of the counties had also to be temporary because it was experimental and also because the line between *North Carolina* and *Virginia* was in dispute and no final law bounding the counties to the south could, it was supposed, be well passed till this dispute should have been settled. One of the instructions that *Nicholson* brought over with him was that no laws should be passed of a temporary character unless absolutely necessary. This instruction he had delivered with others to the House of Burgesses for their inspection, consideration, and guidance at the first meeting of the Assembly after he came to *Virginia*. The Burgesses had given it as their opinion that they had always been in the habit of making laws indefinite in duration except such as of necessity had to be temporary, and at that session there can be seen no change in the method of law-making. If they had followed literally the instruction, about half of the full-fledged laws of that session would have been merely orders, or joint resolutions, or ordinances, for they were designed to be temporary. For instance, the act prohibiting the exportation of Indian corn was to expire the 25th of *December 1700*, and the act laying an imposition on liquors and the act laying an imposition on servants and slaves imported were to continue in force only three years. The act for raising a public levy was to expire with only one operation. The act for appointing the Committee for Revision of the Laws was on the border line; for though its life was indefinite, it could not from the nature of things continue in force very long. Accordingly, it would have been more in keeping with the spirit of the instruction had this piece of legislation, too, been an ordinance rather than a law. In fact, at the next session of the Assembly, when it was seen that this act needed to be revised in the interests of celerity in work, the Council suggested that this be done by means of an "ordinance of Assembly."⁵² The House, however, without getting into any controversy with the Council, so far as the Journal discloses it, went ahead and passed a bill in the regular way, which, receiving the assent of the Council and also of the governor, became a law. Whereas a bill had to receive the time-honored three readings, an ordinance was, just as an order or a resolution, read but once. Of course, it might when it came up for this reading at its passage be amended or even sent back to the committee that reported it, and it had to receive the assent of the governor and the Council, but at best in the method of its passage it was less guarded than a regular law. An ordinance was looked upon as a measure, therefore, of less weight than a law, differing little from an order of Assembly or a joint resolution, though possibly of somewhat greater dignity than either of these.⁵³ The distinction between the three was, however, very vaguely perceived; for although the Assembly

⁵² See p. 237.

⁵³ See pp. 120, 121.

of 1699, when it determined upon a method for settling the claims to lands in the *Pamunkey* Neck and south of the *Blackwater* Swamp, did so in a resolution of the House agreeing to a proposal of the governor and Council that the House appoint a committee to act with a committee already appointed by the Council, the word "ordinance" being nowhere used in the Journal for that session, the measure is several times referred to in the Journal for the present session as an ordinance.⁵⁴ Later on the ordinances were classed with the laws by the clerk of the House when he sent copies of the acts of the Assembly to the counties, and to the governor for transmission to *England*. From this session till the session of 1705 these ordinances are occasionally met with. In the *October*, 1705 session, the session which finally completed the revival of the laws, no ordinance was passed, and after that the term does not again make its appearance in the Journals. It seems probable that in the passage of these ordinances the House attempted for a few years, at the instigation of the governor, to carry out in part the instruction received, and then gave up the attempt, since in reality, considering the circumstances of the country, the old practice of passing laws of a temporary nature when occasion seemed to require it, was not a reprehensible one.

Third Session.

This session lasted only from *May* 13 through *May* 29, and, deducting *Sundays*, had in it only fourteen days. On many of these days, too, the House was in session a very short time. Consequently, very little business was attended to. The governor recommended in his opening speech that the revival of the laws be entered upon and finished during the session, since he had had several letters from the Board of Trade urging dispatch in that matter. He said also that he would have other matters to call to the attention of the House later, which he would not speak of till a larger number of councillors should be in attendance. On the opening day of the session only three were present. Though the Committee of Revival had not entirely finished their labors, the work was far advanced, and probably could have been completed during the time that the Assembly was considering the bills already drawn up. The House, however, passed a resolution that it was not convenient to proceed upon that business at the present session. Moreover, they very soon made it clear that they were opposed to the passage of any measures except the most necessary ones and to the transaction of any business except such as could not well be put off. Many matters they referred to the Committee of Revival or postponed for consideration till the next meeting of the Assembly. King *William* III had died on the 8th of *March*, and news of this event, though unofficial, had probably reached the country before this session began. It was certainly known not very long after the session began.⁵⁵ The members very probably had the feeling that it would be best to meet in a new session after the official announcement of the death of King *William* and the proclamation of the accession of his successor. In addition, it was known that ships-of-war had sailed from *England* for *Virginia* to convoy the merchant fleet back to *England*. Hence the Burgesses wished to be at home—they were all, or nearly all, planters—to make preparations for the sailing.

Accordingly, at this session only two acts were passed and one ordinance. These are given in *Hening* merely by title,⁵⁶ but the entries in the Journal in reference to them, or to the circumstances leading up to their passage, are sufficiently full—a thing which is by no means always, or even frequently, true as regards other acts—to enable one to form a fair notion of their contents. Moreover, these acts were reenacted in all their essentials, with titles somewhat changed, in 1705, and the new acts are to be found in full in *Hening*.⁵⁷ The object of the first was to prevent any inconveniences

⁵⁴ See pp. 317, 329.

⁵⁵ See p. 356.

⁵⁶ *Hening*, III, 216, 217.

⁵⁷ *Hening*, III, 355, 356; IV, 440, 441. *Hening* states that the first of these acts was reenacted in 1705 and the second repealed. In reference to the first he is correct; in reference to the second, however, he is probably incorrect. The majority of the 1705 laws were the laws of the revival, and they almost all had what was known as a repealing clause, that is, a clause repealing former laws on the same subject. This was necessary to prevent confusion even in case a law of the revival was almost word for word the law formerly existing. The repealing clause was not in the law of 1705 in reference to the continuing of an Assembly after the death of a sovereign, because it was not thought necessary, since the first law on the subject (the one passed the present session) had in it such references to King *William* as to make it necessarily a temporary act.

and expenses which might arise from calling into question the validity of official acts performed in *Virginia* between the time of the death of an *English* sovereign and the proclamation of his successor. These acts being performed in the name of the reigning sovereign, and by men commissioned by him (or, to state the case exactly, of the sovereign who was supposed to be reigning at the time) it was thought that possibly some literalist might dispute their validity on finding out that in fact some other king or queen was on the throne. In the present case King *William* had died on the 8th of *March*, and here were the governor and Council commissioned by him and all magistrates still holding office and carrying on the government in his name. As soon as official notification of the accession of the new sovereign should come, and an order for the officials to continue in office till the further pleasure of this sovereign should be known, the crisis would be passed, but all sorts of questions might be raised as to their acts in the meanwhile, and great inconvenience result. On the third day of the session, therefore, the governor and the Council sent a message to the House proposing that the law be passed. This message is long and explicit, and was with the necessary change of a word here and there itself made into the law.⁵⁸ It merely provided that general assemblies should not necessarily come to an end on the death of a sovereign, but might, in the discretion of the governor, with the advice and consent of the Council, continue for six months, and that all official acts performed between the time of the death of a sovereign and the proclamation of his successor should be valid, and that all crimes committed in this time should be punishable as before—in a word, that the government should go on as usual. The sending of the message at this time is proof that then the death of the king was known to the governor and Council. The act was rushed through both chambers, and was signed by the governor on the fourth day after the sending of the message. The act was signed in the presence of the whole House. In the few remarks made by the governor on this occasion—which are very imperfectly reported in the *Journal*—he said that he hoped there “would be no other occasion than this” for the law, meaning, of course, that he hoped this so far as his stay in office was concerned. This was an expression of good wishes for the long reign of the sovereign who had just succeeded *William III.*, a sovereign whose name the governor might not mention, since official notification of her assumption of the crown had not been received. His excellency also recommended on this occasion the dispatch of all necessary business, since he expected daily the ships from *England*, on the arrival of which there would be work enough for all. At this time, therefore, it would seem that the governor, too, wished a short session, and that his recommendation to the House at the beginning of the session that the revival of the laws should be gone into was merely *pro forma*, and that the real business of the session was to be the consideration of the matters which in his opening speech he said he did not lay before the House because at that time there were only three members of the Council present, the most important of these matters being the legalizing of governmental acts performed in the time that the distance of *Virginia* from *England* caused to be in a sense an interregnum. It was hoped, too, no doubt, that the proclamation of the new sovereign might be made at this session. But the ships bearing the necessary orders, though known to be on the way, were delayed.

The inconveniences that might have arisen had not this law been passed, are in a sense illustrated by two cases which actually did arise in the House this session, the cases of Col. *Wm. Baffett* and Mr. *William Bird*, the former elected a burgess for *New Kent* County and the latter a burgess for *King & Queen* in special elections held since the opening of this session of the Assembly to take the places of members who had died since the close of the former session. Both these gentlemen refused to take the oath of allegiance to King *William*, as King *William* was dead, saying that it was a matter of conscience with them. Since the new sovereign had not been proclaimed, the oath of allegiance, which had to be taken by all newly elected burgesses, had to be taken to King *William*. Consequently it was ordered that a message be sent to his excellency

⁵⁸ This is inferred from a comparison of the message (page 340) with the text of the law of 1705.

to desire him to issue new writs for the election of burgesses from those counties. This was on the last day of the session.⁵⁹

The other act passed at this session has the title "An act to prevent masters of ships or vessels running away after embargoes are laid." The reasons for passing this act are very well given in a message sent the House on May 16 by the governor and Council, and the act as passed followed closely, no doubt, the wording of the message. The act provided that all masters of vessels should be compelled to give bond, under penalty, not to leave the Colony during the continuance of an embargo and to observe such regulations as should be made at the assembling of the fleets to sail under convoy.⁶⁰ An embargo had already been laid by the governor and Council. In fact, a resolution that in the opinion of the House it was proper to lay an embargo had been passed by the House at their former session, on September 17, 1701. At the present session the proceedings of the governor and Council in reference to the embargo were laid before the House for their information and consideration, and their advice was also asked as to the places on the several rivers which ought to be designated as the places where the ships should ride at anchor awaiting the assembling of the fleet preparatory to sailing for *England* under convoy. These matters were duly acted upon.

The ordinance passed at this session had the title "An ordinance of Assembly for settling the dividing lines between the counties of *Isle of Wight*, *Charles City*, and *Nansemond*, on the south side the *Blackwater* Swamp." The ordinance passed the preceding session had not proved satisfactory, and the present ordinance, still an experiment, was substituted for it.

The very unusual procedure was adopted by the House at this session of including in the address made to the governor on May 26 what was in effect a resolution, taken to be such by the Council and agreed to, and also so treated by the governor, who, too, signed it. This was a request that till the next session of Assembly, when the whole question of settling the militia would be gone into, the governor, with the advice of the Council, should on any extraordinary emergency levy a competent force to deal with the situation, with the understanding that the force would be paid by the country. This was in response to a message of the governor and Council setting forth the defenseless condition of the country. The only reason why this matter should not have been made the subject of a separate resolution and also treated in the address, seems to be that the members in their haste were inclined to take as little trouble as possible, and supposed that the request placed where it was would have the desired effect. The Council and the governor raised no objection to the method adopted; but in order that there might be no dispute about payment if it became necessary to raise the force, the governor took the precaution to sign this address just as he signed the two acts passed and the ordinance. He also called on the speaker of the House to sign it, and the speaker was ordered by the House to do so.

No levy bill was introduced at this session, as there had been none at the preceding session, but not for the same reason. There seems to have been no dispute over the book of claims (or the two books of claims—one for the preceding session and one for the present session); probably the governor and Council were content to recede from their demand of the previous session that certain items should be included. The conclusion had been reached, however, by both chambers and by the governor that it would be fairer to wait for the new lists of tithables to be handed in before apportioning the levy to the various counties. All knew that there would be another meeting of the Assembly very shortly.

The diminished importance of *Jamestown*, now that the meetings of the Assembly were held at *Williamsburg*, is reflected in the proceedings of the House at this session in reference to the pay of the member from that "city." It seems that heretofore the member had been paid from the county levy, and not by special levy on the tithables

⁵⁹ In the new election Mr. Bassett was again chosen, but Mr. James Tayler was chosen instead of Mr. Bird. These gentlemen were on hand promptly at the beginning of the next session, and duly took the oath of allegiance to Queen Anne.

⁶⁰ For the act of 1705, which is probably almost identical with the act of 1702, see *Hening*, III, 440, 441.

of *Jamestown*. The importance of the place having now become almost nothing, the county at large did not wish it to be represented, or, at least, did not feel inclined to bear the expense of representation. Mr. *Robert Beverley*, member of the House for *Jamestown*, complained to the House that at a meeting of the *James City* County court held the 14th of *January* 1700/1 for laying the county levy he did "as burgeses for *James City* make his claim for the allowance given him by law," and that pay had been refused. After mature consideration by the House it was resolved that the *Jamestown* burgeses ought to be paid by those freeholders of the place and of the immediate neighborhood who had the right to vote in the election of a member for *Jamestown*. The House refused, however, to pass a law or ordinance compelling them to do so. The consequence was that in the next Assembly *Jamestown* was not represented.

A rather shrewd piece of politics was played by the two members from *Charles City* County in the attempted passage of a bill for the division of the county. Both these members were from south of the *James* River and were in favor of the division. They prevailed on the Committee of Propositions and Grievances, to whom had been referred the "grievance" from *Charles City* complaining of the location of the court house and praying a division of the county, to report that the division was necessary, and prevailed on the House to agree to the report and order that a bill be drawn to effect that object—all this notwithstanding the fact that everybody knew that the session was to be a short one, and it was the general understanding that only necessary business was to be attended to. Mr. *Benjamin Harrison*, jr., however, a dweller on the north side, though the proceedings of the House were supposed to be secret at that time, got intelligence of what was going on, and a petition from him made its appearance on the 23rd of *May* asking that notice might be given the inhabitants of the county to the north of the river of the proposed division, so that they, with the petitioner, might be heard in opposition to it. Accordingly, before the engrossment of the bill, Mr. *Harrison* was allowed by the House to state his objections to the bill, and the House, being in no mood to thresh the controversy out at that time, rejected the bill, postponing the question of the division of the county till the next session.

Fourth Session.

The former session of Assembly came to a close on the 29th of *May*, the Assembly being prorogued till the 18th of *June*. The twenty-five members who met on that day were informed by message from the governor that he desired they should attend the following day the ceremonies incident to proclaiming *Anne* as queen. The following day all the papers sent from *England* bearing on the change of sovereigns, among which was her majesty's proclamation continuing all officers till her further pleasure should be known, were delivered to the House for their inspection, with the message that the proclaiming of the queen by the governor and Council would immediately be proceeded with. Accordingly, the House adjourned in order to be present. The Journal has nothing whatever to say in reference to the ceremonies—they included funeral ceremonies for King *William* at the same time—but the governor reported in a letter to the Board of Trade that they were attended by the most brilliant assemblage that had ever met in *Virginia*, and we may conclude that they were most impressive.

The time set for the sailing of the fleet for *England* was close at hand. Consequently almost no business was attended to. No committees were appointed except the Committee of Privileges and Elections, which had to look over the returns made on the writs for the four elections held to supply vacancies in the House. The House had been called together principally to attend the ceremonies of the proclamation of the queen. After drawing up a loyal address to the new queen, passing a resolution that the resolution (or "ordinance," as they now called it, using the new word that had come into vogue) passed by the House and the Council at the preceding session giving power to the governor, with the advice of the Council, to levy forces on an emergency, was a sufficient provision till the next meeting of Assembly, postponing to this next Assembly consideration of all matters deferred at the preceding meeting, and presenting

an address to the governor giving an account of what had been done, the House went up to the council chamber to hear the speech of the governor in closing the session.

One other thing they did. Mr. *William Bird (Byrd)*, the gentleman elected a member from *King & Queen* and denied a seat on account of his seeming scrupulosity in refusing to take the oath, had on his return home published "diverse false, seditious, and scandalous reports highly reflecting on the honor and justice of his excellency the governor, the honorable Council, and the worshipful House of Burgesses, and tending much to the raising sedition in the minds of her majesty's loving subjects." The behavior of Mr. *Bird* had created so much excitement in the county that Colonel *William Leigh*, commander-in-chief of the militia in *King & Queen*, had sent information to the governor and Council, who had ordered depositions to be taken in the matter, and who now sent these and other papers bearing on the case to the House, in order that they might judge what ought to be done. Mr. *Bird* had said, among other things, that the Assembly was about to raise a very heavy tax for the support of *William and Mary* College, and that two members of the House had been taken into custody because they were opposed to granting the speaker at the preceding session a gift of ten thousand pounds of tobacco. In two resolutions, one in reference to each statement, these assertions were branded as "seditious, scandalous, malicious, and utterly false," and the clerk of the House was ordered to send copies of these resolutions to the sheriff of *King & Queen* county, who should cause them to be published at the county court and in all churches and chapels in the county. Copies of the resolutions were also sent the governor. We may be sure that had the House not been in such haste to bring the session to a close, Mr. *Bird* would have been sent for in custody of the messenger and made to apologize most humbly.

Fifth Session.

The Assembly met again in a little more than six weeks after prorogation, coming together on *August 14* and being dissolved on *August 28*. The limit of six months after the death of a sovereign set on the life of an Assembly by the act passed in the *May* session of this year had been almost reached. The fleet from *Virginia* having failed for *England* under convoy the latter part of *July*, the Burgesses could now remain in session, if absolutely necessary, for a longer period than had been found feasible at the preceding session. There was nothing, however, of absolute importance to keep them beyond the two weeks that the session actually lasted. They might, indeed, have taken up the revival of the laws, as the governor in his opening speech, delivered *August 14*, suggested—in so unenthusiastic a way, however, as to appear to invite a postponement. But this was a labor likely to require for its completion much more time than by law this Assembly could fit. Moreover, the hot and unhealthful season of the year was at hand. Consequently, at this session there are seen further instances of the reference of matters to the Committee of Revision and to the next Assembly so familiar to the reader of the Journals of the preceding three or four sessions. In one case the members of the House even relieved themselves of a very troublesome piece of work by resolving that the whole matter be referred to the General Court. This matter, too, was, or should have been, a legislative one, for it involved the boundaries of the reservation which, according to resolution of the Assembly passed at the *August 1701* session and the *May 1702* session, had been laid out for the *Chickahominy* Indians. According to a message from the governor and the Council sent the House on *August 22* in the present session, the surveyor had probably misunderstood the directions given for laying out the land; for there were 14,910 acres in the reservation and the *Chickahominy* tribe could at that time muster only fifteen men, whereas the more numerous *Pamunkeys* had a much smaller allotment of land. The House should certainly have threshed out the matter, as it was one coming within the purview of the General Assembly rather than of the General Court, and was one that ought to have been attended to at once. However, after giving it some consideration, they passed the following resolution, which is sweeping and strong in form but reprehensible in the motive behind it—

seemingly a desire to shirk work: "That it be referred to the honorable General Court to consider, determine, and decide all doubts, disputes, differences, and controversies whatsoever which may arise by means of the land being so laid out for the laid Indians, and to do therein as shall appear to them best to answer her majesty's services, the right of the Indians, the good of the inhabitants, and preservation of the honor and peace of this Dominion."

The war that had so long been expected, had actually been declared by *England* against *France* and *Spain* on the fourth of *May*. News of this event had reached the governor of *Virginia*, but no official notification and orders had come to him from the home authorities; nor did they come, though he hourly expected their arrival, till after the close of the session—whereat he was, no doubt, grievously disappointed; for he was ever fond of a ceremony, and the proclamation of the war in the presence of the Assembly would much have pleased his fancy. And after the proclamation he could have plead with the House with even more earnestness than he actually did plead on *August 18* to adopt proper measures for defense.

It was in the speech he delivered on *August 18* that he presented to the House his principal recommendations. In addition to the further provision for the defense of the country, these recommendations were that acts should be passed for the settlement of ferries and the speedy dispatch of public messengers, the prevention of the spread of false news, the prohibition of the entertainment of sailors by ordinary keepers, and for laying the public levy. These were all matters which either had been voluntarily postponed by the House from session to session, or, as in the case of the book of claims, in reference to which the House and the Council had disagreed. At this session no steps were taken toward the defense of the country additional to those taken at the preceding session, except that the resolution of the House giving the governor, with the advice of the Council, the power to levy a force in an emergency was, at the request of the Council, put into the form of an ordinance. The means for quick dispatch of intelligence and more rapid movement of troops were at last provided, however, in the act entitled "An act for the regulation and settlement of ferries and for dispatch of public expresses, and for the speedy transporting of forces over rivers and creeks in time of danger,"⁶¹ wherein places were named at which ferries should be constantly kept, the prices to be paid for service fixed, the ferry keepers exempted from certain public duties and given the monopoly of the business at their several stations, and it was provided that messengers carrying official intelligence should be "ferry free."⁶² The consideration of the recommendation of the governor that a law be passed to prevent the spreading of false news was, as heretofore, referred to the Committee for Revision of the Laws, but the House at last grappled with the recommendation in reference to the entertainment of sailors ashore, the "Act prohibiting seamen being harbored or entertained on shore" resulting. This is given only by title in *Hening*, but its main provision is contained in the act of 1705 having the title "An act for regulating ordinaries and restraint of tippling houses."⁶³ It prohibited the sale of liquor to any sailor on credit. The theory on which this law was based was that when sailors drank heavily they were more likely to desert, thus causing great inconvenience to both merchant vessels and men-of-war. It was left to the masters of vessels to see to it that their men should have a very small amount of cash when allowed to come ashore in the Colony.

The levy act was also passed at this session, though it looked at one time as if it would fail again, as it had done in the *August 1701* session. The cause of trouble was, however, this time entirely different; for both the governor and Council had receded from their demand that the book of claims should contain the two items that before had been in dispute. The Council would have given way at the session at which the question arose, but the governor was firm. At the present session, however, in his speech

⁶¹ *Hening*, III, 218, 222.

⁶² The act as given in *Hening* is defective in the last section. The statement that messengers carrying official news should be "ferry free" is made on the supposition that the act had in it practically the same provisions in this respect as did the "Act for the establishment and settlement of ferries and for the dispatch of public expresses" of 1705.

⁶³ *Hening*, III, 395, 401.

of August 18 he told the House that he had referred the matter to *England*, and, having received no orders thereon, he would not now insist. Hence for the book of claims (or to speak more accurately, the books of claims, for the claims allowed by the House in 1701 were in the book about which there had been so much dispute at that time, and the more recent claims allowed were in a second book) there seemed to be a smooth course. However, the 1701 book contained an item which, though scarcely a claim, was an item voted in by the House, namely, a gift of 10,000 pounds of tobacco to the speaker of the House for his services. The Council had not objected to this item when the book was presented to them in 1701. They had agreed to pass the book if the two items they wished were inserted. Now, however, for some reason or other which is not evident—possibly because they conscientiously objected to the practice of voting the speaker a gift of public money—they flatly refused to pass the book with the item included. Before 1695 it had been customary to give the speaker of the House a present in this way for his services, but in that year it was voted that no present should be given in the future, and this resolution had been passed several times since. But now the House maintained that they were acting within their privileges in voting the gift; hence the dead-lock seemed for a time complete. The way to break it was, fortunately, shown by the speaker himself, in a suggestion that the House accept from him the return of the gift they had made, but in appropriate resolutions preserve the right for the future to make gifts to their speakers if they saw fit. His suggestion was carried out, and the books of claims were finally passed.

The governor took a hand in this dispute as the champion, rather strange to say, of the House. He made a speech to the Council recommending that the books be passed and sent a copy of his remarks to the House. These, as given in the Journal, are not absolutely clear;⁶⁴ for, taking them as they stand, they seem to make a statement directly opposed to the facts as shown in the Journal for 1701. The governor really said, it is probable, that the Council had virtually allowed the book of claims as it stood in 1701 when they signified to the House that they would pass it with those two items added which he did not now insist upon, and that since he had now withdrawn his demands for their inclusion the book ought to be considered as passed. In this argument, of course, the governor was sophistical; for the book had not been signed by the members of the Council, and undoubtedly the Council had the right to change their minds in reference to it when it again came under their view.⁶⁵

The Assembly also passed at this session the long delayed law for the division of *Charles City County*. The *James River* was made the dividing line, and the new county—that part of the original county south of the *James*—was called *Prince George*.

The governor's attitude toward the House at this session was most friendly, and the House, not to be outdone, were in their addresses, especially in one drawn up more particularly to render their thanks for his "many favors," most commendatory. There was in the governor's speeches and messages none of the rather irritable insistence in giving advice noticeable in the 1701 session. An account has already been given of the part he took in the dispute of the House with the Council about the gift to the speaker. Even when to his earnest appeal for adequate preparation for war resolutions were adopted that nothing could be done, and when the substance of these resolutions was conveyed, with the substance of other resolutions, to the governor in the usual address, his reply showed him to be unruffled. He seems to have learned that persuasion would accomplish more with the House than commands. It is also probable that as the members of his Council became more and more unsympathetic and even antagonistic, he felt it good policy to establish friendly relations with the leaders of the House.

⁶⁴ See p. 397.

⁶⁵ In later years the occasions on which the House voted gifts to the speaker were exceedingly rare—possibly because it was usual for the speaker to be named treasurer whenever an import duty was laid, and after this time it seldom happened that a law for laying such a duty was not in effect in the Colony.

JOURNALL

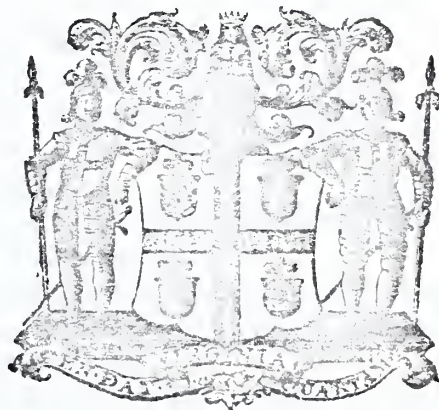
OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Begun at *James City* the 18th day of *Aprill* in the
Seventh Year of the Reign of our Sovereign Lord
& Lady WILLIAM & MARY by the grace of
God of *England, Scotland, France & Ireland* King &
Queen defenders of the Faith &c. Annoq₃ Domini
1695.



RICHMOND, VIRGINIA.

MCMXIII.

2-5

JOURNALL

of the

HOUSE OF BURGESSES

Thursday Aprill 18th 1695.

DIVERS Burgeses to the number of thirty nine having taken the oathes injoynd by Act of Parliament the test and the Oath of a Burgeses, which were administered to them by *W^m Byrd Edw^d Hill* and *Edmund Jennings Esq^{re}* three of their Maj^{ties} Councill commissioned by his Excellency the Govern^r for that purpose, repaired to the Burgeses Chamber where being met, they adjourned to meet againe tomorrow morning nine a Clock.

Fryday Aprill the 19th 1695.

MR *Randolph*, M^r *Park* M^r *Baffet*, M^r *Carter*, M^r *Custis* & M^r *Mason* were desired & Accordingly forthwith withdrew to acquainte his Excell^y that the Burgeses were met and waited his Comands

And they being returned M^r *Randolph* acquainted the members p^{re}sent that his Excell^y upon the Message delivered by them was pleas'd to Say.

Gentlemen you shall here from us by our Messinger.

A Message from his Excellency by M^r *Sherlock*

His Excellency comands the imediate attendance of this house upon him in y^e General Courthouse. And accordingly the house went downe to attend his Excellency who was pleas'd to command the Burgeses to returne to their house & to proceed to the Chuseing of a Speaker.

And they being returned after the nomination of Six severall Members they Elected *Phillip Ludwell Esq^r* for their Speaker.

M^r *Carter* M^r *Park*, M^r *Baffet* & M^r *Mason* are desired to acquainte his Excellency that the house have made choise of a Speaker & to pray his Excell^y to affygne time when the house shall present him.

And they being returned M^r *Carter* acquainted the house that his Excell^y was pleas'd to Say he would send an answer by their Messinger.

A Message from his Excell^y by M^r *Sherlock*

His Excellency Comands this house to meet him at 3 a clock in y^e afternoone in the Gen^l Court house.

The house adjourn'd till 2 a clock afternoone.

Post Meridiem

The house met & understanding that his Excellency was in the General Courthouse went downe with their Speaker to attend his Excell^y who being come before his Excellency, represented to him that the Burgeses had chosen him their Speaker.

And

And the house being returned *Mr Speaker* acquainted them that he having informed his Excellency that the house had been pleas'd to Choose him their Speaker, his Excellency was pleas'd to approve their Choyce, & that upon his moving his Excellency for the usuall priviledges of the house and that they on all Occasions might have a free access to his Excellency & the Councill his Excellency was pleas'd to say he did allow & continue all those priveledges the house had heretofore had & should have injoyed.

Then *Mr Speaker* having acquainted the house according to the best of his remembrance with the heads of his Excellencies Speech.

Mr Carter Mr Park Mr Basset & Mr Chamberlaine were desired to wait upon his Excellency at Some convenient time in the Evening & in the name of the house to address his Excellency for a Copy of his Speech.

His Excellencies Commission to *Peter Beverley* to be Clerk of the house of Burgeffes & the Certificate of *W^m Byrd Edw^d Hill & Edm^d Jennings Esq^{rs}* three of their Ma^{ties} Councill that they had pursuant to the Govern^{rs} Commission administred the Oaths enjoyned by Act of Parliam^t instead of the Oaths of Allegiance & Supremacy the test & Oath of Clk of the house of Burgeffes, were respectively read & Laid upon the table.

A Committee of Elections & priveledges.

Mr John Custis Chairman

Mr W^m Randolph

Mr W^m Sherwood

Mr W^m Leigh

Mr W^m Taylor.

Miles Cary Junior upon his petition is appointed a Clerk and It is Ordered that he attend the Committee for Elections & Priveledges.

Ordered That the Clk of the house deliver to the Chairman of y^e Committee for Elections & Priveledges the Severall Writs for Burgeffes which are returned & Lye upon the Table which the f^d Committee are desired to take into imediate Consideration.

Lazarus Thomas Rich^d Morris John White & George Pinhorne having by their Respective Petitions moved the house to be admitted & continued doorkeeper they were respectively admitted, & Ordered to give their attendance accordingly.

And then the house adjourn'd, till to morrow morning nine a clock.

Saturday Aprill the 20th 1695

M*R Carter* Reported that pursuant to the Commands of the house they had addrest his Excell^{cy} for a Copy of his Speech which his Excell^{cy} was pleas'd to say he would give directions to *Mr Secretary* to prepare in ord^r to have it sent to the house.

A Message from his Excellency by *Mr Sherlocke*.

Mr Speaker I am comanded by his Excell^{cy} to deliver a copy of his Speech to this house Yesterday.

And Accordingly he presented the same at the Table which was read as followeth. *Mr Speaker & Gentlemen of the house of Burgeffes.*

I have received their Ma^{ties} Commands, a Quota not having been adjusted by y^e Severall Colonies as directed for the Assistance of *New Yorke*, that on application of the Govern^r or Comand^r in Cheife of *New York* I take care to Provide & Send out of the Militia of this Colony a proportionable Quota of men as from other Colonies for the Assistance & defence of that their Ma^{ties} Province, which I recommend to the Consideracon of you *Gentlemen of the house of Burgeffes* for Suitable supplies.

The Lords of their Ma^{ties} Treasury pursuant to their Ma^{ties} Comands have sent me Orders & directions to set out one or more Small Vessells with fitt Command^{rs} to Cruise on the Coast for discovery of illegall Traders from *Scotland & Ireland* complained of as a great prejudice to all fair Traders.

I am further Comanded by their Ma^{ties} in their names to propose to you that a Competent Salary or allowance be appointed for the maintenance of each Minister

to

to be paid in money or tobacco at the Current value as most requisite for the encouragement of the Clergy.

I have also his Ma^{ty} Commands to give all fitting Support furtherance & encouragement for the perfecting of the Colledge by their Ma^{ty} Charter to be erected & established here, to which I have not been Wanting & now desire your advice & Assistance for the effecting it accordingly.

Vpon Severall informations of Indian Incurfions & mischeifs Eastward and threatnings to us, and parties of Strange Indians Seen on our Frontiers & heads of our Rivers, I did by advice of the Councill continue the Soldiers to Range on the frontiers & added, eighteen men & an Officer to those on the head of *James River* & as many on *Potomeck* still on foot, who have been very vigilant in their duty & Stations I do now recommend to you *Gentlemen of the house of Burgeses* to ascertain the pay pursuant to the act for the additionall Soldiers.

I doe further recommend to you the Lessening the Levy & the pōll as particularly by a duty on Liquors to be imported or otherwise, & doubt not your Consideration of all necessary for their Ma^{ty} Service & the Continued Welfare of this their Ancient Colony & Dominion.

Ordered that his Excellencys Speech lye upon the Table.

Mr *Jn^o Custis* from the Committee of Elections & Priveledges Reported the said Committee had taken into Consideration the respective returns of elections committed to them & had thereupon agreed upon Severall resolutions which he read in his place & then delivered them in at the Table where being againe read, the house agreed thereto and thereupon *Resolved viz^t*

Resolved That Cap^t *W^m Basset* & Dan^l *Parke Esq^r* are duely Elected Burgeses to Serve in this Aff^{ly} for *new kent* County

Resolved That Mr *W^m Randolph* & Cap^t *W^m Soane* are duely Elected Burgeses to serve in this Affembly for *Henrico* County.

Resolved That Mr *Benoni Burrough* & Mr *Jn^o Thorowgood* are duely Elected Burgeses to serve in this Affembly for *Princes Anne* County.

Resolved That Mr *W^m Leigh* & Mr *Joshua Story* are duely elected Burgeses to Serve in this Affembly for *King & Queen* County.

Resolved That *John Goodrich* & *John Gyles* are duely Elected Burgeses to serve in this Affembly for *Isle of Wight* County.

Resolved That Mr *James Ransone* & Mr *Mordecai Cook* are duely elected Burgeses to Serve in this Affembly for *Gloster* County.

Resolved That Mr *Rodham Kenner* & Mr *Rich^d Hayney* are duely elected Burgeses of *Northumberland* County.

Resolved That Mr *John Thompson* & Mr *Thomas Swanne* are duely elected Burgeses for *Surrey* County.

Resolved That Mr *Alex^r Spence* & Mr *Jn^o Jordan* are duely Elected Burgeses to Serve in this Affembly for *Westmoreland* County.

Resolved That Coll^l *Phillip Ludwell* & Mr *Poynes Weldon* are duely elected Burgeses to Serve in this Aff^{ly} for *James City* County.

Resolved, That Mr *Rob^t Carter* & Mr *George Heal* are duely elected Burgeses to serve in this Affembly for *Lancaster* County.

Resolved That Mr *W^m Sherwood* is duely Elected a Burges to serve in this Affembly for *James City*.

Resolved, That Mr *Jn^o Brasseur* & Mr *Jn^o Wright* are duely elected Burgeses to Serve in this Affembly for *Nanzim^d* County.

Resolved, That Mr *W^m Robinson* & Mr *W^m Crafford* are duely Elected Burgeses for *Norfolk* County.

Resolved That Mr *Anthony Armistead* & Mr *W^m Willson* are duely elected Burgeses for *Eliz^a City* County.

Resolved That Mr *Dudley Diggs* & Mr *W^m Rascow* are duely Elected Burgeses to Serve in this Aff^{ly} for *Warwick* County.

Resolved

Resolved That Mr W^m Anderson & Mr John Washbourne are duely Elected Burgeffes to Serve in this Assembly for Accomack County.

Resolved, That Mr Arthur Spicer & Mr W^m Taylor are duely Elected Burgeffes to Serve in this Assembly for Richmond County.

Resolved That Mr Thomas Chamberlaine & Mr Henry Batt, are duely Elected Burgeffes to serve in this Ass^{bl}y for Charles City County.

Resolved That Mr Mathew Kemp & Mr Rob^t Dudley are duely elected Burgeffes to Serve in this Assembly for Middlesex County.

Resolved, That Mr George Mason & Mr Tho. Ousley are duely Elected Burgeffes, to serve in this Ass^{bl}y for Stafford County.

Resolved That Mr W^m Mosely & Mr John Catlett are duely Elected Burgeffes to serve in this Assembly for Effex County.

Resolved, That Mr Tho. Barbar & Mr Henry Jenkins are duely Elected Burgeffes to serve in this Assembly for York County.

Resolved, That Mr Jn^o Custis & Mr W^m Waters are duely Elected Burgeffes to Serve in this Assembly for Northampton County.

And upon the Report of the f^d Comittee touching the returne of the Sherrieff of James City County made upon the Writ for Election of a Burges for the Colledge of William & Mary in Virg^a in these words.

James City Sc:

In Obedience to the within Writ, I caused the president & Masters or Professors of the within mentioned Colledge to meet at James City Courthouse being the usuall place for election of Burgeffes according to the tenor of the Same at which place the President and onely one Master did appear to elect, therefore return no Burgefs.

The house tooke the f^d Returne into imediate Consideraçon & therein having had Some debate.

Resolved That the Sherrieff of James City County hath made a good Returne upon the Writt directed to him for election of a Burges for the Colledge of William & Mary.

Resolved & accordingly *ordered* that it be a rule of this house that 15 members with the Speaker Shal be a Sufficient number to adjourne.

Mr Custis Mr Sherwood & Mr Jenkins are desired forthwth to waite upon his Excellency & to pray him that he will be pleased to Comissionate Mr W^m Drummond a Messenger to attend the Service of the house.

And they being Returned Mr Custis acquainted the house that his Excell^{ty} was pleas'd to Say he had given direction for the preparing a Comission for Mr Drummond three dayes agoe.

The Orders of the house of Burgeffes were read

Ordered that they lye upon the Table during the Session for each particular Members View at his pleasure.

Ordered That the house be called Over every *munday* morning ten a Clock dureing the Session & at all such other times as shal be thought convenient & that whosoever Shal be then absent Shal be lyable to the Censure of the house.

A Comittee for Publick Claimes.

Mr W^m Randolph Chairman

Mr Dan^l Parke

Mr W^m Robinson

Mr W^m Bassett

Mr Jn^o Washburne

Mr W^m Willson

Mr Tho. Chamberlaine

Mr Dudley Diggs

Mr Poynes Weldon

Ordered That Miles Cary Jun^r attend this Comittee as their Clke

A Committee for Propositions & Grievances

Mr Rob^t Carter Chairman

Mr Jn^o Custis

Mr W^m Sherwood

Mr W^m Leigh

Mr Antho. Armistead

Mr Mathew Kempe

Mr Tho. Barbar

Mr Arthur Spicer

Mr W^m Anderson

Mr James Ransone

Mr Henry Jenkins

Ordered

Ordered That leave be given to the Committee of Propositions & Grievances & the Committee of Publick Claimes to make Choice of a place to sitt in, & that the Chairman of each Committee give notice in the house where his respective Committee intends to Sitt on *Munday* next.

Ordered That the said Committees have power to adjourne themselves *de die in diem* & to fend for persons Records Journalls or other papers as there shal be Occation.

Resolved & accordingly *Ordered* that all Propositions Grievances & Publick Claimes be brought into the house, *Thursday* night next at latest or not received into this Aff^{ly}

Ordered that the Clke of the house cause a fair Copy of the Resolve of the house appointing the latest time for receiving Propositions Grievances & Publick Claimes into this Aff^{ly} to be transcribed & Set up at the State house door.

Resolved that this house will resolve into a Committee of the whole house on *Munday* Morning next ten a Clock to take into Consideration His Excellencies Speech made to this Assembly.

And then the house adjourn'd till *Munday* Morning 9 a Clock

Munday Aprill the 22 1695

THE house according to Order was called Over & the absence of Some of those that did not appear excused & the Censuring of Some Others for the Same referred to further Consideraçon

Ordered that if M^r Jⁿ^o Catlet Burges elected to serve in this Aff^{ly} for *Effex* County do not give his attendance in the house before *Wednesday* night next he be then sent for in Custody of the Messinger.

The Petition of W^m Drummond informeing the house that he had rec^d his Excell^{cy}s Comission to be their Ma^{ty} Messinger to attend the house of Burgeesses was read & the f^d Drummond thereupon called into the house where having produced his f^d Comission he was ordered to withdraw & being withdrawn the Comission read at the table as followeth.

S^r Edm^d Andros Kn^t their Ma^{ty} Liev^t & Govern^r Gen^l of *Virginia* to all to whome these presents shall come, greeting KNOW yee that I doe hereby Comissionate authorise & appointe W^m Drummond Gentⁿ to be their Ma^{ty} Messing^r in this Colony & Order him to attend the house of Burgeesses this present Session of Assembly with power likewise to the said W^m Drummond to demand receive & take to himself all fees & perquisites belonging or incident to the f^d place & Office, Given under my hand & the seal of y^e Colony this 18th day of *Aprill* in y^e 7th year of their Ma^{ty} Reigns *Anno Domini* 1695

E. Andros.

And that being done the f^d Drummond called into the house & acquainted that the house admitt him their messinger & expect his constant attendance accordingly.

Ordered that all messages whether Verball or Written which shal hereafter be sent from the house to his Excellency or the Council be first entered upon the Journall of this house.

Then the house according to Order *Resolved* into a Committee of the whole house to take into Consideration his Excellencies Speech, and M^r Carter tooke the Chair wherein haveing Spent some time M^r Speaker resumed the Chair and M^r Carter Reported that in the matter to them referred the said Committee had agreed upon two Resolutions which he read in his place & then delivered them in at the Table where being againe read the house agreed thereto and thereupon.

Resolved that his Excellency be addrested that he will be pleased to communicate to this house their Ma^{ty} Comands relateing to the severall parts of his Speech in which he was pleased to mention he had their Ma^{ty} particular Comands.

Ordered that M^r Storey M^r Dudley & M^r Cooke prepare an addres to his Excellency accordingly & report the same to the house tomorrow morning.

Resolved

Resolved & accordingly Ordered that the Consideraçon of his Excellencies Speech be referred to the Committee of Grievances & Propositions who are to report their Opinions in the severall parts thereof.

Ordered that the Committee of Grievances & Propositions sit at the house of Mr *W^m Sherwood* & that the same be published by setting up a Copy of this Order at the State house door.

Ordered that the Committee for Publick Claimes Sit at the house of Mr *Joⁿ Broadnax* & that the same be published by a Copy of this Order set up at the State house door.

Mr *Benjamin Harrifson* upon his Petition is appointed Clerke to the Committee of Grievances & Propositions & It is *Ordered* that he attend the s^d Committee accordingly.

Ordered that the Respective Clks of the Committee's be Sworne & that Mr *William Sherwood* one of their Ma^{ty} Justices for *James City County* give them their Oathes.

A Certaine Proposition of Mr *Rich^d Johnson* was read & referred to the Consideraçon of the Committee of Grievances & Propositions to Report their Opinions therein.

The Severall Propositions & Grievances of the Inhabitants of the Lower part of *York County*, the Inhabitants of the lower parish of *Isle of Wight County* and of *Accomack County* were respectively read & referred to the Consideraçon of the Committee of Grievances and propositions to report their Opinions therein.

A paper Stiled the Greivance of the Inhabitants of *Pamunkey Neck* was read but the same not being directed to this house or the Gen^l Affembly is therefore rejected.

And then the house adjourn'd till 3 a clock afternoone.

Post Meridiem

The Grievances of *Northampton Lancaster & Eliz^a City Counties* were Severally read & referred to the Committee of Grievances & Propositions to report their Opinions therein.

Ordered that the Committee of Grievances & Propositions take into their Consideraçon the Journall & other proceedings of the last Aff^{bly} and make report of what they finde necessary to the house.

The Greivances of *Princes Anne County* Some Inhabitants of *Lynhaven Parish* & some part of the Inhabit^{ts} of *Princes Anne County* being referred by his Excellency & the Councill to this house were respectively read & referred to the consideraçon of the Committee of Grievances & propositions to Report their Opinions therein.

And then the house adjourn'd till to morrow morning 9 a clock.

Tuesday Aprill the 23: 1695

MR *Story* from the persons appointed to prepare an addres to his Excell^{cy} that he would be pleased to Communicate all Such their Ma^{ty} Instructions commands & other Papers as relate to his Excellencys Speech, Reported that they had prepared an addres accordingly which he read in his place & then delivered in at the Table where being againe Read as followeth.

May it Please yo^r Excellency.

The house of Burgeses having under their Serious Consideraçon your Excellencies Speech made upon the meeting of this Assembly in divers parts whereof your Excellencie was pleased to mention you had rec^d their Ma^{ty} Royall Comands, and being heartily desirous to proceed therein with all duetyfull Conformity to their Ma^{ty} Royall Pleasure & necessary care for the Peace Safety & Interest of this their Dominion w^{ch} they represent, doe for the better inabling of this house to pursue the intents & purposes aforesaid make humble Suite that yo^r Excellencie will be pleased to Communicate to this house all such Royall Instructions & comands & other papers as Relate to your Excellencies Said Speech & may be of use & Service to this house in the due consideration thereof.

the Same was approved by the house.

Ordered

Ordered that the said Addres be Sygn'd by Mr *Speaker* & by the persons that prepared it Carried to his Excellency.

The Propositions & Grievances of *Norfolk* County being referred by his Excellency & the Councill to this house, were read & referred to the Consideraçon of the Committee of Greivances & propositions to report their Opinions therein.

Certain Propositions Sygn'd by *Henry Rols* Sherriff of *Westmoreland* County were read & referred to the Committee of Greivances & Propositions to report their Opinions therein.

And then the house adjourn'd till 3 a Clock afternoone.

Post Meridiem

A message from his Excellency by Mr *Sherlock* who brought into the house and delivered at the Table four Letters *Viz*

A Letter from his Ma^{ty} for all fitting Support furtherance & encouragement to the Colledge.

A Letter from her Ma^{ty} for Assistance to *New Yorke*.

A Letter from his Ma^{ty} for a Competent Salary to the Clergy and,

A Letter from the Lords of their Ma^{ties} Treasury for Small Vessels to Cruise for y^e discovery of illegall Traders.

And the said Lett^{rs} being respectively read, were committed to be Considered with his Excellencies Speech by y^e Committee of Grievances & Propositions.

The Propositions & Grievances of the Inhabitants of the upper parts of *Mattapony* River on the North Side being referred by his Excellency & the Councill to this house were read & referred to the Committee of Grievances & Propositions to Report their Opinions therein.

The Propositions of Mr *John Brasseur* & Mr *Jn^s Wright* Burgeffes for *Nantzi^m* County in behalf of y^e f^d County for reviveing the Late act relateing to the law of tob^o hh^{ds} read & referred to the Consideration of the Committee of Grievances & Propositions.

And the house adjourned till tomorrow morning 9 a Clocke.

Wednesday April 24th 1695.

A CERTAINE Proposition Sign'd by Mr *Benjam^s Harrison* concerning the Revisall of the Laws Read & after Some debate referred to the Committee of Greivances & Propositions to report their Opinions therein.

Upon an information made in the house that there are materiall variaçons in the present pattents from those heretofore granted, It is *Ordered* that Mr *Thompson* Mr *Mosely* & Mr *Dudley* repair to the Secretaries Office & procure a Copy of a patent anciently granted a Copy of Such a patent in w^{ch} a certaine former Clause is f^d to be left out & the Copy of a Patent now in use & that they prefer the Same to the house.

And then the house adjourn'd till 3 a clock afternoone

Post Meridiem

Mr *Thompson* from the persons appointed Reported that according to the Order of this morning they had procured from the Secretaries Office the Copies of two pattents which having delivered in at the table the Consideration thereof is referred to a full house.

Ordered that notice be given to the Committee for Publick Claimes to give their immediate Attendance upon the house.

The Propositions & Grievances of *James City* County were read & referred to the consideraçon of the Committee of Grievances & Propositions to report their Opinions therein.

The

The Petition of *Rob^t Beverley* for an allowance for his Publick Services as Clerk attending the Secretaries Office was read & referred to the Consideraçon of the Comiſſtee for Publick Claimes.

M^r Carter from the Comiſſtee of Grievances & propoſitions Reported that the ſaid Comiſſtee had agreed upon divers reſolutions in the matters to them referred which he read in his place & then delivered them in at y^e Table where being againe Read, the houſe proceeded in the Consideraçon thereof.

And upon y^e Consideraçon of the Report of the ſaid Comiſſtee, upon a Greivance repreſented by the Inhabitants of *Eliz^a City* County touching unwarrantable Taxes or Levies by veſtries or County Courts a debate ariſeing the Same is adjourn'd til tomorrow morning.

And upon Consideraçon of the Report of the ſaid Comiſſtee upon a propoſition of the ſ^d *Eliz^a City* County that it may be enacted that all incloſed grounds not fenced according to Law may be deemed comon & that no Man's Stock there reforting be diſturbed, the houſe agreed thereto & Concurred with the Comiſſtee that the Law hath already made Sufficent proviſion in ſuch Caſes & therefore

Ordered that the ſ^d Propoſition be rejected.

And upon Consideraçon of the Report of the ſ^d Comiſſtee upon a Propoſition of the ſaid *Eliz^a City* County that peices of eight may paſs Current at 6^s 7^d peice the houſe agreed thereto &

Ordered that the ſaid propoſition be rejected.

And upon Consideration of the Report of the S^d Comiſſtee upon a propoſition from the ſ^d *Eliz^a City* County for a free & open paſſage into all townes wth out gates or Barrs the houſe agreed thereto & Concurred with the Comiſſtee that Sufficent proviſion is already made by Law in ſuch Caſes & therefore

Ordered that the ſ^d Propoſition be rejected.

And upon Consideraçon of the Report of the ſ^d Comiſſtee upon a propoſition from the ſ^d *Eliz^a City* County for Liberty to elect a New Veſtry, the houſe agreed thereto & concurred with the Comiſſtee, that it lies not within the Consideraçon of y^e houſe.

Ordered that the ſ^d Propoſition be Rejected.

And upon Consideration of the Report of the ſ^d Comiſſtee upon certaine motions made from *Northampton Accomack Lancaſter & Norffolk* Counties that the exportation of Bulk Tobacco may not be prohibited no propoſition being made for it, the houſe agreed that no debate or proceedings be had therein.

And upon Consideration of the Report of the ſ^d Comiſſtee upon Certaine motions made from *Northampton Accomack Eliz^a City Lancaſter & Princes Anne* Countyes that no Law paſs for Townes (one propoſition being only made for it to this Aſſembly the houſe agreed that no debate or proceedings be had therein.

And upon Consideration of the Report of the ſaid Comiſſtee upon a propoſition of the Inhabitants of the Lower precincts of *York* County for Removall of the Court-houſe of that County the houſe agreed thereto, and

Resolved that the County Courte for *York* County be kept in *Yorke Towne* and that a Byll be prepared accordingly.

Ordered that it be referred to the Clk of the houſe to prepare a byll for the holding of *York* County Courte in *Yorke Towne* for the future & to reporte the Same with all Convenient Expedition.

And upon Consideraçon of the reporte of the ſ^d Comiſſtee upon a Propoſition from the Inhabitants of *Northampton* County that a reſtraint be laid upon horſes running at Large the houſe agreed with the Comiſſtee &

Resolved that a byll be prepared giving liberty to the Severall County Courts to cauſe the building of one or more Pound or Pounds for horſes within their Reſpective Counties provided no County tax be levied to defray the Charge, &

Ordered that it be referred to the Comiſſtee of Grievances & propoſitions to prepare a byll accordingly & to report the Same to the houſe with all convenient expedition.

And

And upon Consideration of the Report of the f^d Committee upon a proposition for building a Bridewell in each County the house agreed, with the Committee, that the proposition is not Suitable to the Circumstances of the Country, and therefore.

Ordered that the f^d proposition be rejected.

And upon Consideration of the Report of the f^d Committee upon certaine propositions for ascertaining Sheriffs fees & about the making up of Sheriffs acco^{ts} the house agreed with the Committee that the Law doth already make Sufficient provision in all such Cases & therefore.

Ordered that the Said Proposition be rejected.

And upon Consideration of the Report of the f^d Committee upon the Proposition of the Inhabitants of *Norfolk & Princess Anne* Countys for reviveall of that act of Assembly made at *Green Spring March* the 20th 1676 empowering two Justices of the Quorum in every County to fygne Comissions of Administrations & probates the house agreed wth the Committee and

Resolved that a Byll be prepared by y^e Clerk of the house accordingly &

Ordered that he present the Same to the house with all Convenient expedition.

And upon Consideration of the Report of the f^d Committee the proposition of *Norfolk & Princess Anne* Countys that the Salaries of the Offi^{rs} attending the house of Burgesses may be ascertained by a Law, the house agreed with the Committee that it is not necessary or Convenient & therefore

Ordered that the f^d Proposition be rejected.

And upon Consideration of the Report of the said Committee upon the proposition of the f^d County of *Norfolk & Princess Anne* that a Certaine Size be set for all Porke Barrills & Tarr barrills, the house agreed with the Committee that it is not necessary and therefore

Ordered that the f^d proposition be rejected.

And upon Consideration of the Report of the f^d Committee upon a proposition from *Princess Anne* County that there may be a Law for Townes the house agreed that in as much as Severall Counties desired the Contrary, no debate or proceedings be had therein.

And upon Consideration of the Report of the f^d Committee upon a proposition from *Lancaster* County that the 7th Act of Ass^{bl} 1691 for regulateing the tares of tobacco hogsheds may be revived with amendments the house agreed with the Committee and

Resolved that a byll be prepared for the Same by the Clerk and

Ordered that in the said Byll the Size of *Virg^a* hogsheds be ascertained by a Clause for that purpose

And then the house adjourned till tomorrow morning 8 a Clock.

Thursday Aprill the 25. 1695

THE house proceeded in the Consideration of the Reports of the Committee of Greivances & propositions yesterday made.

And upon consideration of the Report of the f^d Committee upon a proposition from the Inhabitants of the upper parts of the north side of *Mattaponi* River in *King & Queen* County that Rangers may be appointed on their frontiers the house agreed with the Committee that Sufficient provision is already made in that Case by the appointm^t of Rangers on the heads of *Pamunkey & Rappah^t* Rivers and therefore

Ordered that the f^d Proposition be rejected.

And upon Consideration of the Report of the f^d Committee upon the Proposition of the Inhabitants of the County of *Princess Anne* & of that part of *Lynhaven* parish which lyes within the bounds of *Norfolk* County that the bounds of the f^d *Princess Anne* County may extend to & be settled according to the bounds of *Lyn Haven* Parish, the house agreed with the Committee and

Resolved

Resolved that a byll be prepared for the Settling & ascertaining the bounds of *princes Anne* County according to the bounds of *Lynhaven* Parish and

Ordered that the Burgeffes for *Princes Anne* County draw up & bring in a byll Accordingly.

And upon Consideraçon of the Reporte of the f^d Committee upon a Proposition of the Inhabitants of the Lower parish of the *Ifle of Wight* County, that that part of the upper parish of *Nanzimond* County which lies within the Said County of *Ifle of Wight* may be joynd to the lower parish of *Ifle of Wight* the house agreed with the Committee that the bounds of the f^d parishes Continue as now they are Setled according to the Act of Assembly made at *James City* the 20th day of *October* 1673 & therefore

Ordered that the f^d Proposition be rejected.

Then the house according to Order entered into the adjourn'd debate of yesterday upon the Report of the Committee of Grievances & Propositions concerning the Greivance of the Inhabitants of *Eliz^a City* County touching unwarrantable taxes by Vestries & County Courts & therein having spent some time the f^d Grievance being conceived by the house to be Sufficiently provided for by Law.

Resolved that the said proposition be rejected.

The Petition of *Dionysius Wright* for an Allowance for his attendance as Clarke of the Church read & referred to the Committee of Publick Claimes.

The proposition of Mr *Anthony Armistead* for reviveing the 13th act of Ass^{bly} made *March* the 7th 1675 Read & upon the Question for the Comitting or not Comitting of it to the Committee of Grievances & Propositions.

Resolved that the said Proposition be rejected.

The proposition of Mr *W^m Sherwood* & Mr *Rob^t Carter* for the amendm^t & Correction of Certaine Laws of Assembly was read & referred to the Committee of Grievances & Propositions to Report their Opinions therein.

Certaine propositions Sign'd by *John Goodrich* & *John Gyles* Burgeffes of *Ifle of Wight* County for & on behalf of the said county & by *John Thompson* & *Thomas Swann* Burgeffes for *Surry* County for & on behalf of the said Counties were respectively read & referred to the Committee of Grievances & Propositions to report their Opinions therein.

And then the house adjourn'd till 2 a Clock afternoone.

Post Meridiem

Certaine Propositions Sygn'd by Mr *Jn^o Custis* Mr *W^m Anderson* & Mr *W^m Waters* were read & the Question being put whether one of the f^d Propositions being for a Law that Six of the Inhabitants of each parish be join'd with the Vestry in Laying the Parish Levy shal be rejected.

Resolved in the Affirmative.

And *Ordered* that the other Proposition be referred to the Committee of Grievances & Propositions to Report their Opinions therein.

A Certain Proposition Sygn'd by Mr *W^m Waters* & Mr *Jn^o Washburne* concerning a further Allowance for Sloopes to transporte and attend the Burgeffes of *Accomack* & *Northampton* was read & referred to the Consideration of the Committee of Grievances & propositions.

The Petition of Cap^t *Geo. Mason* for an allowance according to act of Assembly for himself & 18 additionall Rangers being referred from the Governor & Councill to this house was read & referred to the Committee for publick Claimes.

The petition of Mr *Giles Webb* for an allowance according to Law for himself & 18 additionall Rangers was read & referred to the Committee of Publick Claimes.

The petition of *Hannah Howes* that Shee may be admitted to look after & Clean the Burgeffes Chamber & Utenfils thereto belonging Read & Rejected.

The petition of *Michael Sherman* Sherrieff of *James* County for an allowance for his Extraordinary Service in attending Gen^l Courts was read & referred to the Committee for Publick Claimes.

The petition of M^r W^m Sherwood for an allowance of 50 £ sterl for 2 years rent for the Councill Chamber read & referred to the Committee for Publick Claimes.

The petition of Jn^o White for an Allowance for his Extraordinary Service as Sexton read & referred to the Committee for Publicke Claimes.

The Petition of Rich^d Kellham Jn^o Waltham Henry Read Tho^s Middleton, Andrew Stuart & Rowland Savage concerning an allowance for their attending the tryall of Joan Nelson as Jurymen & W^m Bolton Rob^t Watson, Rob^t Scott & Jn^o Perry concerning their allowance, as evidences in the f^d tryall was read & referred to the Committee for publick Claimes.

The house adjourned till tomorrow morning 8 a Clock.

Fryday Aprill the 26th 1695

THE house met & adjourned till 2 a Clock afternoone.

Post Meridiem

THE proposition of the Inhabitants of *pamunkey neck* in *King & Queen County* being referred by y^e Govern^r & Councill was read & referred to y^e Committee of Greivances & propos^{ns} to repo^{rt} their Opinions therein.

A proposition for Repairing & enlarging the Secretaries office. referred by the Governor and Councill to the Considera^{on} of the house was read and

Ordered that the said Proposition lie upon the Table.

Ordered That M^r Mason M^r Mofely M^r Ousley & M^r Thompson at Some convenient time & as soon as they can view the Condition of the Secretaries Office, that they acquaint M^r Secretary when they intend to go about it & make Reporte to the house what they finde necessary to be done.

The Petition of *Robert Beverley* informeing that he had transcribed severall Ancient and Defaced Records of Patents into one booke and praying an allowance for the Same being referred from his Excellencie & the Councill to this house was read & referred to the considera^{on} of the Committee for publick Claimes.

M^r Carter from the Committee for Propositions & Grievances Reported that the said Committee had made some progres in the Consideration of his Excellencies Speech to this Aff^{ly} & thereupon agreed upon some resolu^{ons} which he read in his place and then delivered them in at the Table, where being againe read the same was agreed to by the house.

Resolved that this House will take into consideration an addres to his Excellency in answer to his Speech in Generall as soon as the Committee for propositions & Grievances shall have made a perfect report of their Opinions upon the severall heads of the said Speech.

M^r W^m Randolph haveing mov'd the house for leave to goe to his Owne house on extraordinary Occasions.

Leave was given accordingly.

Ordered that he give his attendance in the house on *Munday* next 2 a clock in the afternoone.

And then the house adjourn'd till tomorrow morning 9 a Clock.

Saturday Aprill the 27. 1695

ABYLL for ascertaining the place where the Courte of *York County* Shal be kept read the 1st time.

Resolved that the f^d Byll be read a 2^d time on *tuesday* morning next.

A byll appoynting how probates and Administrations shal be fygn'd for the future read the 1st time.

Resolved that the said Byll be read a 2^d time on *tuesday* morning next.

M^r Carter Reported from the Committee of Greivances & Propositions that the said Committee had agreed upon certaine Resolu^{ti}ons upon the 2 last paragraphs of his Excellencies Speech, which he Read in his place and then delivered them in at the Table, where being againe Read the Same were agreed to by the house and

Resolved that a byll be prepared according to the tenor of the first Act of Assembly made *Octob^r* the 10th 1693 for the better defence of the Country to Continue in force from the 1st day of *May* in the year 1695 'till the last day of *Sber* in the year 1696.

Ordered that M^r Mafon, M^r Oufley M^r Soan M^r Batts M^r Mofely and M^r Story be a Committee for the preparing of a Byll according to the 1st Refolve & such other instructions as have been agreed upon in the house & that they Report the Same to the house on *Tuesday* morning next.

Resolved That a Byll be prepared for the laying an Imposition of 2^d [⁊] gall on all Liq^{rs} which shal be imported from any place except *Europe* into this Colony from and after the first day of *May* next till the last of *Octob^r* 1696.

Ordered that it be referred to the Committee of Grievances & Propositions to prepare the Same.

M^r Carter M^r Chamberlaine M^r Story & M^r Rascow have leave given upon their extraordinary Occasions to go into the Countrey.

Ordered that they respectively give their attendance in the house on *Munday* next 2 a Clock in the afternoone.

And then the house adjourn'd till ten a Clock *munday* morning.

Munday Aprill the 29th 1695.

THE house being according to Order called Over divers of those that were absent were excused.

Ordered that the Messinger attending this house take into his Custody M^r W^m Soan M^r Dan^{ll} Parke M^r Rodham Kennor M^r Thomas Swann M^r Anthony Armistead M^r Dudley Diggs M^r Arthur Spicer M^r W^m Taylor M^r Thomas Barber & M^r Hen: Jenkins for their Respective defaults in attending the Service of the house & so keep them untill he Shall receive Order for their respective discharge & enlargem^t

Ordered that hereafter leave be not given to any member to be absent without a very extraordinary occasion.

Ordered that the house be called over every morning at the meeting of y^e house.

Ordered that M^r Robinson M^r Wilson M^r Brasseur M^r Dudley & M^r Waters be a Committee for the drawing up an address to his Excell^{cy} Signifying the Opinion of this house upon the Severall Paragraphs of his Excell^{cy}s Speech & that the Clke of the house attend the 1st Committee who are to make Reporte of their proceedings to morrow morning

M^r Mafon moveing in behalfe of the Committee appointed on *Saturday* last to prepare a byll for the defence of the Country, that the said Committee might have further time given to Reporte the 1st Byll.

Leave was given for the Same, till *wednesday* morning next.

And then the house adjourn'd till 2 a clock afternoone.

Post Meridiem

A byll for enlarging the bounds of *Princes Anne* County read the first time.

Ordered y^t the Committee of Grievances & Propositions be sent for to give their imediate attendance in the house.

The Petition of M^r W^m Soan M^r Rodham Kennor M^r Tho: Swann M^r Anthony Armistead M^r Dudley Diggs M^r Arthur Spicer M^r W^m Taylor M^r Tho: Barbar & M^r Henry Jenkins in custody of the Messinger praying that they may be admitted to make their excuse for their respective abience, was read & thereupon the messenger Ordered to caufe their imediate attendance upon the house.

And

And the house being given to understand that they attended at the Door they were called in where first having caused their Petition to be amended & then heard what they had to say for their Excuse, they were Ordered to Withdraw & being withdrawn the house took the matter of their respective excuses into Consideration & thereupon.

Ordered that the said persons be respectively discharged out of Custody paying fees.

Mr *Dan^l Park* setting forth to the house the reasons of his absence in the morning at the Calling over of the house they were admitted for his excuse & the messenger directed not to take him into Custody.

Then after some debate the Question being put whether the byll for Inlarging the bounds of *Princess Anne County* Shall be read a 2^d time.

Resolved in the Affirmative.

Ordered that the said Byll be read a 2^d time to morrow morning.

And then the house adjourn'd till to morrow morning nine a Clock.

Tuesday Aprill the 30th 1695

MR *Robinson* Reported from the Committee appointed to prepare an address to his Excell^{cy} Signifying the Opinions of this house upon the Sever^l parts of his Speech that the said Committee had accordingly prepared an address the which having delivered in at the Table the Same was read by the Clerk as followeth.

To his Excellency.

The humble Address of y^e House of Burgeffes.

May it Please yo^r Excellency.

Their Ma^{ties} Loyall & dutyfull Subjects the Burgefes now assembled having had a long & a serious Consideration of the Severall matters recommended to them in your Excellencies Speech at the Opening of this Assembly and their Ma^{ties} Royall Lett^{rs} relateing to certaine paragraphs thereof, which your Excellency has been pleased upon their humble application to Communicate & for which as justly due they Returne yo^r Excellency their most humble thanks, doe beg leave in all dutyfull manner to lay before yo^r Excell^{cy} by this their Address the fruit of those Considera^{ns} & to Signify to yo^r Excellency their Opinions & Proceedings upon the Severall Branches of yo^r Excellencies Speech in the Order that they Particularly stand recommended, together with Such Motives & Reasons as have induced them thereto.

And therefore upon Considera^{on} of the first Paragraph of yo^r Excell^{cies} Speech, which relates to the Supplying of their Ma^{ties} Province of *New Yorke* with assistance for defence & preservation of it, to the end they might manifest their Ready & Cheerfull Obedience to their Ma^{ties} Royall Com^{ds} Signified to yo^r Excellencie in that particular & due care for y^e Safety & preservation of this Dominion in which they are representatives, they tooke into Considera^{on} the present State of this Countrey as well in its Circumstances of ability to give aid to their Ma^{ties} other provinces as to defend & preserve it self in this Juncture, and upon the whole do humbly beg leave to acquainte your Excellency that it is their Opinion, that the extream poverty which the Inhabitants groan under by meanes of the great & heavy taxes & impositions upon tobacco their only merchandize & Subsistence and the great & excessive Charge they have for Some yeers been exposed to & Still continue to be, in maintaining Soldiers at the heads of the Rivers to guard the Frontiers, which by yo^r Excellencies Prudence have lately been increased in additionall forces to near double the number of what formerly and likely to be augmented, by what they Can perceive from the Grievances of the Inhabitants of Some parts of the Country who desires more to be raised, does utterly Render this Country incapable of Affilting *New Yorke* either with men or money, to which Opinion they are the more induced by this further Considera^{on}, that as this Country alwaies

has

has in its greateft neceffities born its owne Charge without any Affiftance from other places & by meanes thereof is reduced to a lower ebb & degree of want so now it muft by the forces & affiftance Lodg'd Within it Selfe be its owne defence and guard, inasmuch as the Indians which heretofore have, now doe, or in likelihood may further infest and injure this Country inhabit nearer to it—then to *New Yorke*, which is fo far diftant from *Virginia*, that there is noe poffibility of advantage to be expected from it's forces being placed at the Frontiers of *New Yorke* but rather (the prefent Condition of this Country being fo lamentable & Needy) that all fuch aid as fhall be removed out will be found wanting, for it's owne defence without probability of being Supplied, unles at the infupportable preffure of all it's Inhabitants & therefore the houfe of Burgefles being very defireous to testify to their Ma^{ties} their Loyall inclinations & readynes to obey their Comands on all Occafions as their abilities will permitt, Shall become humble Suitors to yo^r Excellency & the Councill that you will be pleafed to joine with them in an addres to their Ma^{ties} Setting forth the State of the Country which they humbly hope may procure in their Ma^{ties} a true Senfe of y^e Loyall & dutyfull inclinations of their Subjects here & by that meanes a favourable acceptance of their Proceedings on all Occations or otherwaies that if there be any expedient yet Left, for the answering of their Ma^{ties} prefent Comands in this affair, which yo^r Excellency may be better able to informe the houfe of Burgefles of, they Shall be moft ready to take the Same under Confideraçon.

Your Excellency having been pleafed to favour the houfe of Burgefles wth a view of the Letter which relates to the Second Paragraph of your Excellencies Speech from the Lords of their Ma^{ties} Treafury for fetting out of one or more Small Veffels to Cruife on the Coaft for difcovery of illegall Traders, the houfe of Burgefles humbly beg leave to render their due thanks for the Same & doubt not but yo^r Excellencies care in the matt^r therein referred to your Excellency, will be to their Ma^{ties} Satisfaction in which as well as in all other things they fhall be heartily glad for your Excellencies Succes.

And upon Confideration of the third Paragraph of yo^r Excellencies Speech recommending the appointm^t of Competent Salaries or allowances to the Maintenance of the Miniſters to be paid in money or Tobacco at the price Current, the houfe of Burgefles with all duetyfull regard to his Ma^{ties} Commands in that particular humbly beg leave to acquainte your Excellencie that they have duely weighed the p^refent provision made for the Miniſters of this Country in their Refpective parifhes together with their other Conſiderable perquiſites by marriages burials &c & Glebes generally of the beſt lands not leſs in moſt places then four or five hund^d Acres & in Some places near twice that quantity, which glebes are well provided with houſes Orchyards ffences & paſtures & to that degree that moſt if not all the Miniſters of this Country are in as good a Condition in pointe of Livelyhood as a Gentleman that is well feated & hath twelve or fourteen Servants. and are humbly of opinion that the Laws of this Country doe Suffi- ciently provide for a Miniſters Maintenance in which they are y^e more affured by their Obſervation & certain knowledg that where the Miniſters have proved frugall men they have ſtill raifed their fortunes, from which it cannot but be neceſſarily Concluded that the greateſt part of the Clergy of this Country are well content with their prefent proviſions, & that all informations made to the Contrary have proceeded from none but ſuch as are too avaritiouſly inclined.

And upon Confideraçon of the fourth paragraph of yo^r Excellencies Speech relateing to their Ma^{ties} Comands for all fitting Support furtherance & encouragem^t for the perfecting the Colledge by their Ma^{ties} Charter to be erected & eſtabliſhed in *Virginia*, the houfe of Burgefles beg Leave to ſay to yo^r Excellency that as they are ſenſible wittneſſes of yo^r Excellencies Strenuous endeavours to the forwarding of that deſygne, & good example in giving all encouragem^t for it's Intereſt, they ſtand exceedingly obliged to yo^r Excellency in that behalf & doubt not but that as Occation ſhall be, the future repreſentatives of this Country will be at all times ready to advance the Same according to the utmoſt of the Countries ability, the low circumſtances of which being

now

now considered, as alsoe their Ma^{ties} great grace & bounty in Severall waies liberally endowing the Colledge, with other Donations from divers Worthy Benefactors both here & in *England*, & the Imposition on Skins and furs appropriated to the Sole use of it, the present house of Burgeses are humbly of Opinion that as a further Supply cannot at this time be raised, so there is no instant Occasion for more money to the carrying on of that good worke, but do hope that before the Donations already given Shall be disbursed, the Country may be in a Condition of Contributing a further publick assistance, to w^{ch} Opinion the house of Burgeses are incited, from the little progres they yet perceive made in the building of the 1st Colledge, the one half of the Bricks desygnd being not yet near provided nor any other disbursement worth mentioning expended.

And upon Consideration of the fifth paragraph of yo^r Excellencies Speech wherein your Excellencie is pleas'd to signify that upon the information of severall parties of Strange Indians being seen on the frontiers, yo^r Excellency had by the advice of the Councill continued the ancient Rangers & added 18 and an Officer to those on the heads of *James River* & as many to those on the heads of *Patomeck*, itill on foot, the house of Burgeses humbly beg leave to informe your Excellency that they are very Sensible of and accordingly thankfull for yo^r Excellencys great vigilance & Care for the Countreys Safety & protection in the time of danger & shall so provide this Session that the additionall forces lately raised be paid according to Act of Assembly & a new Byll prepared for the future defence of the Countrey according to the tenor of the act of Assembly last made in that behalfe to Continue in force, from the first of May next untill the last of *October* 1696.

And upon Consideration of the Sixth & Last paragraph of yo^r Excellencies Speech, wherein your Excellencie is pleas'd to recommend the Lessening of y^e Levy ¶ the poll: by a duty upon Liq^{rs} or otherwaies, the house of Burgeses have *Resolved* & accordingly *Ordered* that a Byll be prepared for the Laying an imposition of 2^d ¶ gall^a upon all Liq^{rs} to be imported into this Colony except such as shall come from *Europe* to continue in force from the first of May next untill the last of *October* 1696.

And approved.

Ordered that the said Addres be forthwith fairly transcribed in Order to be presented to his Excellency & that the Committee that prepared the Same together with Mr *Soan* Mr *Spence* Mr *Batts* Mr *Thoroughgood* Mr *Callet* Mr *Taylor* & Mr *Story* carry it to his Excellency & the Severall Letters relateing thereto which his Excellency was pleased to Communicate to this house.

Mr *Mason* Reported from the persons appointed to view the Secretaries Office that according to Order Mr *Secretary* being present they had taken a view of the Secretaries Office & found an Absolute necessity for repairing the Same & inlargeing it nine foote & an half, with the Addition of Such other Conveniencies within the Same as are directed in a Scheme delivered to the house.

Ordered that the 1st Mr *Mason* & other members join'd with him to view the Secretaries Office be impowered to inquire & treat with a Workeman, what the Charge of repairing & inlargeing the Secretaries Office according to their Report in money or Tob^o may be, and make report thereof to the house as soon as they shall be satisfied concerning the same.

A byll for ascertaining the place where the Courte of *Yorke* County shall be kept read the 2^d time.

And after some debate the Question being put for the byll to be ingrosed.

It passed in the Negative.

Resolved, That the said byll be rejected.

A byll appointing how probates and Administrations shall be Sign'd for the future, read the 2^d time & Comitted to the Committee of Grievances & Propositions for amendm^t whereupon the 1st Committee forthwth withdrew to amend the Same & being returned.

Mr *Carler* reported to the house the amendm^t, which being twice read at the table.

Ordered

Ordered that the said Byll with the amendm^{ts} be ingroffed & have a third Reading tomorrow morning.

A byll for inlargeing the bounds of *Princes Anne* County read the 2^d time & after a long debate.

Ordered that the said byll be ingroffed & read a 3^d time tomorrow morning.

M^r *Carter* from the Committee of Greivances & Propositions reported that the f^d Committee had agreed upon a resolution of two things to them referred which he read in his place & then delivered them in at the table where being againe Read the Same were agreed to by the house.

Resolved that an addres be prepared to the Govern^r & Councill that noe one person be permitted to take up & patent more then 400 acres of Land on the South side of *Blackwater* Swamp when Liberty Shal be given to feat those parts.

Ordered that the Burgeses of *Surry* *Charles City* & *Ifle* of *Wight* Counties prepare an addres accordingly & report to the house.

Resolved that the Councill be moved to joine with the house in considering upon the methods for Reviseing of the Laws.

Ordered that the Committee of Grievances & Propositions move & confer with the Councill concerning the Same & make reporte of their proceedings to the house.

And then the house adjourned till 2 a Clock afternoone.

Post Meridiem.

M^r *Robinson* acquainted the house that he & the other persons appointed with him according to Order had waited upon his Excellency and delivered the addres & papers by them Sent unto his Excellency.

And the house adjourn'd till tomorrow morning 8 a Clock.

Wednesday May the 1st 1695

ORD^ERED that the engroffed bylls yesterday referred to be read this morning a 3^d time be further referred till the afternoone.

M^r *Mason* from the Committee appointed to prepare the Byll for appoynting of Rangers for the defence of the Country Reported that the said Committee have according to Order prepared the f^d Byll, which he delivered in at the Table.

Ordered that the f^d Byll together with a byll for Reviveing the 7th act of Ass^{bl}y made at *James City* the 16th day of *Aprill* 1691 & for ascertaining the Size of tob^o hogfheads be read the 1st time in ye afternoone.

And then the house adjourn'd till two a Clock afternoone.

Post Meridiem.

A byll for reviveing the 7th Act of Assembly made at *James City* the 16th day of *Aprill* 1691 & for ascertaining the size of tob^o hogfheads read the 1st time and after addition of a Clause & other amendm^{ts} made at the table & read once.

Resolved that the f^d byll with the Clause & amendm^{ts} be read a Second time.

A byll appoynting Rangers on the heads of the four great Rivers read the 1st time.

Resolved that the f^d Byll be read a 2^d time.

An Engroffed byll entituled *an act, appointing how Probates and Administrations shal be sygned for the future* read the 3^d time & after a Small amendm^t made therein at the table passed the house with y^e amendments.

Ordered that the f^d byll be carried to the Councill for their Concurrence.

An Engroffed byll entituled *an act for inlargeing the bounds of Princes Anne County* read the third time & passed the house.

Ordered that the said Byll be carried to the Councill for their Concurrence & that M^r *Taylor* M^r *Story* M^r *Waters* & M^r *Spence* carry the Same together with the byll appointing how probates & administrations shal be Sygned for the future.

M^r

Mr Carter reported that the Committee of Grievances & Propositions had according to the Order of the house attended the Councill & moved them to conferr aboute a method for Revifall of the Laws who were pleafed to anfwer.

That it being a matter of great moment & nothing before moved this Seffion about it, they defired the effects of that meffage in Writeing.

Then Certaine propofitions being moved in the houle relateing to the manner & way of having the Laws Revifed

1. That the Laws be revifed corrected & amended.
2. That a Certaine number of men be appointed to do the Worke.
3. That there be a Clerk appointed to give constant attendance on the Revifers at their meeting.
4. That the Revifall be made between the end of this Seffion of Aff^{bl}y & the 15th day of *October* 1696
5. That all Clks both of the Affembly & Secretaries Office together wth all other Clks be injoyned to give Copies of all Journals papers & records in their Severall offices.
6. That the feverall perions appointed to this Work be rewarded for their Services in this behalf according to difcretion of the fucceeding Affembly.

The f^d propofitions were approved as the moft fit & Convenient method to effect the Revifall of the Laws.

Resolved, That the Propofition concerning a method for revifeing the Laws of this Country this day moved & approved by the houle be Offered to the Councill.

Ordered that the Committee of Grievances & propofitions prepare a Written Meflage to fignify to the Councill the method this houle think moft Convenient to be taken for Revifall of the Laws with fuch a preamble & conclufion as the f^d Committee Shall judge Suitable & Report the fame to the houle tomorrow morning.

Mr Carter from the Committee of Grievances & propofitions Reported that the f^d Committee had agreed upon divers Refolutions in Severall things to the Said Committee referred which he read in his place & then delivered them in at the Table.

Ordered that the f^d Reports of the Committee of Grievances & propofitions be read againe tomorrow morning & taken into Confideraçon by the houle.

Mr *Randolph* from the Committee of Publick Claimes prefenting a booke of Reports to the houle containing the Refolutions of the f^d Committee in the Sever^{ll} matters of Publick Claimes referred to their Confideration.

Ordered that the f^d book of Reports lye upon the Table untill a convenient time for Reading & Confidering the Same in the houle.

And then the houle adjourn'd till tomorrow morning eight a Clock.

Thursday May 2^d 1695.

THE houle called Over & the abfence of Such members as did not appeare excufed.

A byll for Reviveing the 7th Act of Affembly made at *James City* y^e 16th day of *Aprill* 1691 & for afcertaining the Size of tob^o hogfheads read the 2^d time & ordered to be engroffed & read a 3^d time to morrow morning.

Then according to the Order of yefterday the Reports of the Committee of Grievances & propofitions were read & Confidered.

And upon Confideraçon of the Reporte of the f^d Committee upō a Propofition from the Inhabitants of *Northampton* County that a law be made for the turning of ancient Roads where they fhall be found inconvenient.

Resolved that a Byll be prepared for impowering County Courts to appointe uninterefted perions to view & Settle the Roads in their Refpective Counties to the better Conveniency of the Inhabitants where they are found to be burthenfome.

Ordered that it be referred to the Committee of Grievances & Propositions to prepare & Reporte a byll accordingly.

And

And upon Consideration of the Report of the f^d Committee upon a proposition from the proposition from the Inhabitants of *Pamunkey neck* in *King & Queen* County for a Division of the f^d County, the house agreed to the Same and

Resolved that the County of *King & Queen* be divided by *Matapony River* & y^e *Pamunkey Neck* be one entire County.

Ordered that the Committee of Greivances & Propositions prepare & bring in a byll accordingly & that it be an Instruction to the f^d Committee to insert a Clause therein for the reimburseing of that part of the Inhabitants of *King & Queen* County that is Situate on the North Side of *Mattapony River* by the Inhabitants of *Pamunkey neck* proportionable to the payment made by them for the towne Land at *west pointe* & the Contingent Charges.

And upon Consideration of the Reporte of the f^d Committee upon a proposition that app'ntices may be levy free during their Servitude the House agreed with the Committee, that a Law to that purpose would be of no Service to the Country & therefore

Ordered that the f^d proposition be rejected.

And upon Consideration of y^e Reporte of the f^d Committee upon a proposition for further allowance for Sloopes for bringing the Burgeffes of *Accomack & Northampton* Counties to Gen^l Ass^{blies} the house agreed with the Committee that the laws have already made Sufficient provision in that case and therefore

Ordered that the f^d proposition be Rejected.

And upon Consideration of the reporte of the f^d Committee upon a Proposition from *James City* County for allowance to the Sheriffs, & their Officers that attend the Gen^l Court the house being informed that the Committee for Publick Claimes had prepared a Reporte upon that head.

Ordered that the Consideration of the f^d Proposition of *James City* County be referred untill the Reading of y^e booke of Reportes made by the Committee of Publick Claimes.

And upon consideration of the Reporte of the f^d Committee upon a proposition of *James City* County, that a Prison be built at the Publick Charge of y^e Country, the house agreed to the same and thereupon.

Ordered that the f^d Proposition be rejected.

And upon Consideration of the Report of the f^d Committee upon a proposition likewise from *James City* County for a Law to prevent hogs from rooting up & Spoileing the Pasturage within the Limits of *James City* the Same was agreed to by the house and.

Resolved that a Byll be prepared giving power to *James City* County Courte to make by laws to restraine Hogs running at Large within the Limits of *James City* and that it be referred to Mr *Sherwood* to prepare & bring in the Same tomorrow morning.

Mr *Carter* Reported from the Committee of Grievances & propositions that the f^d Committee had according to Order prepared a Message to the Councill in Writeing relateing to the method for revifeing the Laws which he read in his place & then delivered it in at the Table where being againe read as followeth.

May it please your Hon^{rs}

The house of Burgeffes being Sencible that the Revifall of the Laws hath often been thought a work very necessary & beneficiall for the Country did therefore on *tuesday* last order that the Committee of Grievances & propositions move & Conferre with your hon^{rs} concerning the methods to effect the Same which the said Committee accordingly did & yo^r Hon^{rs} made answer that it being a matter of great Moment & not haveing beene moved this Session you desired the effects of that message in Writeing, which answer being by the f^d Committee Reported to the house, they agreed to this following Message in Writeing *Viz^t*

That they are of Opinion that the Revifall of the Laws is a good & necessary Worke & the effects of it are that it will be a very great benefit to their Ma^{ty} Subjects in this Dominion by preventing the misinterpretation of Severall Laws of doubtfull & Obfcure Sence.

Sence, & by giving all persons a clearer & shorter view of all the Laws of the Country & consequently thereby making it much Easier then now it is for them [to] Obtaine their juſt Rights, & for the methods to effect this worke they propoſe.

1. That a certaine number of men be appointed to do it.
2. That there be a Clerk appointed to give conſtant attendance on theſe men at their meetings.
3. That this Revifall be made between the end of this Seſſion of Aſſembly & the 15th day of *October* in the year 1696.
4. That all Clerks both of the Aſſembly & Secretaries Office with all other Clks ſhal be injoined to give Copies of all Journalls papers & Records in their ſeverall Offices.
5. That the ſeverall perſons appointed to this work be rewarded for their Services in this behalf according to the diſcretion of y^e Succeeding Aff^{bly}

Which propoſals if they ſhall not be approved of yo^r Hon^{rs} are deſired to make ſuch other propoſitions as to yo^r hon^{rs} ſhall ſeem convenient w^{ch} ſhall have all due regard from this houſe.

The ſame was approved by y^e Houſe & M^r Kennor & M^r Goodrich M^r Dudley & M^r Chamberlaine deſired to carry it to the Councill at the riſeing of the houſe.

A byll appointing Rangers on the heads of the 4 great Rivers read the 2^d time.

Ordered that the 1st Byll be ingroſſed & read a 3^d time.

Ordered that the forme of Patents for Lands now uſually granted be taken into Conſideraçon to morrow morning.

And then the houſe adjourn'd till 3 a Clock afternoone.

Poſt Meridiem

A Meſſage from the Councill by M^r Sherlock in Writeing being delivered at the Table, the Same was read as followeth.

By the Councill.

M^r Speaker & Gentlemⁿ of y^e Houſe of Burgeſſes.

His Excellency having laid before the Councill the addres of the houſe of Burgeſſes on his Excellencies Speech upon Conſideraçon of their Ma^{ties} Commands relating to the affair of *New Yorke* the Councill do deſire that the houſe of Burgeſſes, will appointe Some of their Members to Conferre with Some of the Councill thereupon.

Sygn'd by order of the Councill

James Sherlock Clk Gen^l Aff^{bly}

May y^e 1st 1695.

Ordered that the 1st Meſſage be taken into conſideraçon to morrow morning in a full houſe.

M^r Kennor from the perſons appointed to carry the meſſage of this houſe relating to the Method for revifeing the Laws,

Reported that they had according to Order delivered the 1st Meſſage to the Councill, who were pleas'd to ſay they would Conſider of it.

M^r Catlet informing the houſe that his family lies expos'd to great danger & fear from a parcell of Sculking Indians who have lately done miſcheif in thoſe parts & moving for the Leave of the houſe to go home.

Leave was given Accordingly.

And then the houſe adjourn'd till tomorrow morning 8 a clock.

Fryday May y^e 3^d 1695

THE houſe called over,

M^r Speaker informed the houſe that he received from his Excellency 2 lett^{rs} viz^t one from M^r Tallifero Liev^t of the Rangers at the head of *Rappah* River & one from Cap^t. *Battaille* in the upper parts of the ſaid River giving an acço^{nt} of miſchief lately done by Indians in order to Communicate them to the houſe which being read at the table.

Ordered

Ordered that the Same be returned to his Excellency with the thanks of this house for his favour in Communicateing the said Lett^{rs}

Then the house according to order taking into Consideraçon the message of the Council yesterday desireing a Conference to be held upon the answer of the house to that part of his Excellencies Speech which related to the assistance of *New Yorke*.

Resolved that the house will joine with the Council in a Conference according to the said Message.

Ordered that Mr *Ousley* Mr *Rafcow* & Mr *Kennor* forthwith withdraw and move the Council to acquainte the house how many they will be pleas'd on their part to aslyne for manageing the said Conference & to Signify y^e time & place where the Conferers to be appoynted by this house Shall meet their Hon^{rs}

Then the house according to Order tooke into Consideraçon the present forme of patents & after Some time Spent therein.

Ordered that it be referred to the Committee of Grievances & Propositions to make inspection wherein the present Patents vary from those formerly granted, & to make reporte of their proceedings & Opinions thereupon in the afternoone.

An Engrossed Byll entituled *an Act for reviveing the 7th act of Assembly made at James City the 16th day of Aprill 1691 and for ascertaining the Size of Tobacco hogsh^{ds}* read the 3^d time & passed y^e House.

Ordered that the 1st Byll be carried to the Council for their Concurrence.

A byll Impowering *James City* County Courte to make by Laws for restraining hogs ruïng at Large in *James City* read the 1st time.

Resolved that the said Byll be read a 2^d time tomorrow morning.

Mr *Ousley* reported that the persons appointed to move the Council that they would be pleased to informe the house how many of their number, what time, & what place should be aslygned for the Conference desired by their Honours relateing to the affaires of *New Yorke*, had accordingly attended the Council, who were pleased to answer that four of the Council tomorrow morning 9 a Clock, would be ready to meet such members as this house Should appointe to Confer with them in Mr *Sherwood's* great Hall the usuall place for such Occasions.

Ordered that Mr *Leigh* Mr *Parke* Mr *Carter* Mr *Custis* Mr *Randolph* Mr *Bassett* Mr *Ranfone* & Mr *Armistead* be empowered in behalf of this house to Conferre with the Council according to the Councils message yesterday upon the Subject matter of that part of the address of this house to his Excellency in answer to his Speech which relates to the assistance of *New Yorke* & that the 1st Conferers attend their hon^{rs} at the time & place appointed & make Reporte of the Conference to the house.

And then the house adjourn'd till 2 a Clock afternoon.

Post Meridiem

Mr *Carter* Reported from the Committee of Grievances & Propositions y^t the 1st Committee had taken into Consideraçon the Variaçon of the present patents from those formerly granted in which they have had the inspection of 2 patents & Severall Instructions which have been given to the Governors of this Dominion & upon the whole had agreed upon a report which he read in his place & then delivered it in at the table where being againe read the Same was agreed to by the house who Concurred with the Committee that the addition of these (Words) (to be) & omission of these words (according to his Ma^{ty} Instructions of the xiith of *Septemb^r* (1662) being but small & not essentiall doth not in any wise invalidate the Grant and therefore

Resolved That it is the Opinion of this house that the Present forme of the Patents now in use is good, & grants thereby made, valid in Law.

An engrossed Byll entituled *an act appoynting Rañgrs. at the heads of the four great Rivers* read the 3^d time.

And passed the house.

And then the house adjourned till tomorrow morning 8 a Clock.

Saturday

Saturday May the 4th 1695

MR Carter from the Committee of Grievances & Propositions Reported that the f^d Committee had prepared 2 bylls viz^t

A byll for divideing *King & Queen County* &

A byll for laying an Imposition upon Liquors.

Ordered that these bylls be read the first time on *Munday Morning* ten a Clocke.

Mr *Dan^l Parke* being yesterday appointed one of the persons to manage y^e Conference with the Councill upon that part of the addres of this house w^{ch} relates to the affaires of *New Yorke* and being now absent.

Ordered that Mr *Spicer* be appointed in his roome & that he attend the f^d Conference with the other members nominated & affygnd by the house, at time & place appointed.

Ordered that Mr *Story* Mr *Anderfon*, & Mr *Chamberlaine* carry to the Councill the engrossed Bylls which yesterday past the house for their concurrence.

Mr *Leigh* from the Conference wth the Councill upon that part of the addres of this house in answer to his Excellencies Speech which relates to the assistance of *New Yorke* Reported, that they having met the Councill at the place & time appointed in Order to proceed in the Conference, the Councill did desire it might be referred till *tuesday* next nine a Clock in y^e morning.

Ordered that the Respective Conferrees which this day went upon the Conference with the Councill, be continued Conferrees for this house, and that they attend the Councill againe on *tuesday* next nine a Clocke in y^e morning at the place before appointed in Order to proceed in y^e Conference.

A byll empowering *James City County Courts* to make by Laws for restraining hogs ruining at Large in *James City* read the 2^d time.

Ordered that the said Byll be ingrossed & read a 3^d time on *munday* next in the afternoone.

And then the house adjourned till *Munday Morning* ten a Clocke.

Munday May the 6th 1695.

THE house called Over & the Cenfure of those that did not appeare referred till the afternoone.

A byll for devideing *King & Queen County* read the 1st time.

Resolved that the f^d byll be read a 2^d time to morrow morning.

A byll for the Lessening the Levy by y^e pole & Laying an imposition on Liq^{rs} read the first time & after Some amendments made therein & a Clause added at the table w^{ch} were once read also.

Resolved that the f^d Byll with the f^d amendm^{ts} & clause be read a 2^d time tomorrow morning.

And then the house adjourned till one a Clock afternoone.

Post Meridiem

Mr *Batts* from the Committee appointed to prepare an addres to the Govern^r & Councill that no one person be p^mitted to take up more then 400 acres of Land on the S^e Side of *Blackwater Swamp* when Liberty shal be given to patent Lands in those parts Reported that the f^d Committee had according to order prepared the f^d Address which was read at the Table as followeth.

May it Please yo^r Excellency & hon^{rs}

It haveing been represented to this Assembly by the Inhabitants of the respective Counties which are adjacent to the *Black Water Swamp* on the South Side of *James River*, That the takeing up of great quantities of Lands on the Other side of the said

Black

Black water Swamp when Liberty shal be given to take up & patent Lands in those parts, will not only be very injurious & prejudicial to divers Inhabitants who are Seated on this Side the Swamp, if by that means they have not Liberty to take up Some Land on the other Side for the Range of their Stockes but also cause at least two hund^d families to desert the Country for want of Conveniences to Live, The house of Burgeffes takeing the Same into Consideraçon doe humbly beg yo^r Excellency & hon^{rs} that as soon as Liberty shal be given to take up & Patent Lands on the South side of y^e *Blackwater Swamp*, no grants be made of any more then four hund^d Acres to one Person by which Method they humbly Conceive that part of this Country well [will] be well peopled, great Stockes of Provision be raised and the dayly repairing of the Inhabitants of this Colony to the Southward prevented.

And approved by the house.

Ordered that the said Addres be with all Expedition fairly transcribed & that the Comittee that prepared the Same carry it to his Excellency & the Council.

An engrosed Byll entituled *an Act empowering James City County Courte to make by Laws for restraining hogs running at Large in James City* read the 3^d time & passed the house.

Ordered that M^r *Sherwood* & M^r *Weldon* carry the said byll to y^e Council for their Concurrence.

A byll for alteraçon of inconvenient Roads Read the 1st time.

Resolved that the 1^d Byll be read a 2^d time tomorrow in y^e afternoone.

A Byll for Pounds Read y^e 1st time & the Question being put

Resolved that the 1^d Byll be rejected

Upon the motion of M^r *John Custis* a member of the house.

Ordered, That Leave be given to the Burgeffes of *Accomack* & *Northampton* Counties to bring in a Byll for Pounds in the said Counties

The petition of *Thomas Gant* for a breif for Reparation of certaine great Losses by fire, being referred from the Govern^r & Council to this house was read.

And the house not thinking it proper to raise a Publick allowance & conceiving the power of granting Breifs to rest Solely in his Excellency the Governor.

The 1^d petition is therefore rejected.

Then the house according to Order take into Consideraçon the book of Reports of the Comittee for Publick Claimes which having read thorough the Severall Articles therein Contained, were agreed to by the house with such addition & alteraçons as are noted downe in the Body & Margent of y^e Said Reports.

Ordered that the Chairman & three more of the Comittee for Publick Claimes Inspect the Treasurer's acco^{te} exhibited the Last Ass^{bl}, the acco^{te} made up of the Imposition of 4^d $\frac{3}{4}$ gall. & make inquiry what of the 1^d Imposition remaines yet to be acco^{ted} for, haveing arisen Since the Last Assembly, whilst the act for it continued in force.

The Respective Petitions of *Peter Beverley* & M^r *W^m Heslet* for certaine publick allowances, were read & referred to a Comittee of the Whole house.

Resolved. That the house will forthwith Resolve into a Comittee of the whole house to take into Consideraçon allowances for the Respective Officers attending this Assembly, & all such further allowances as are to be added to the book of Reports of the Comittee for publick Claimes and Accordingly.

The house Resolved into a Comittee of the whole house, to take the 1^d Allowances into Consideraçon, & M^r *Randolph* took the Chair wherein haveing Spent some time M^r *Speaker* resumed the Chair & M^r *Randolph* reported the Severall Allowances which the Comittee of y^e whole house had agreed upon, & read the same in his Place. & then delivered them in at the Table where being.

Again read the Same were agreed to by the house & annexed to the book of Reports of the Comittee for Publick Claimes.

Ordered that the Chairman & 4 more of the Comittee for Publick Claimes carry the

the book of Reports of the said Committee together with the addition thereto this day made in the house to the Councill & desire their hon^{rs} Concurrence to the Same.

And then the house adjourned till tomorrow morning 8 a Clock.

Tuesday the 7th May 1695.

A BYLL for divideing *King & Queen* County read the 2^d time & after inserting the name of the new County & day for holding Courts therein.

Ordered That the f^d Byll be ingrossed & read a 3^d time tomorrow morning.

A byll for Lessening the Levy by y^e pöll & laying an Imposition on Liquors read the 2^d time.

Ordered that the f^d Byll be ingrossed & read a 3^d time tomorrow morning.

M^r *Carter* from the Committee of Grievances & Propositions Reported that the f^d Committee had taken into Consideraçon the Greivances of the Inhabitants of the *Northern Neck*, & had therein agreed upon a Reporte which he read in his place & then delivered it in at the Table.

Ordered that the said Reporte be taken into Consideraçon in the afternoone.

Ordered that M^r *Parke* attend the Conference this day appointed with the Councill in the roome of M^r *Spicer* who is disabled by Sicknes.

M^r *Leigh* from the Conference with the Councill upon the Subject matter of that head of the addres of this house to his Excell^{ty} which relates to the assisting of *New Yorke*, Reporting the Severall passages of the said Conference.

Resolved that the Same be taken into Consideraçon of the house tomorrow in the afternoone.

And then the house adjourn'd till 2 a clock afternoone.

Post Meridiem

A byll empowering the County Courts of *Accomack & Northampton* to make by Lawes for the better restrainte of unruly horfes was read the 1st time.

Resolved that the f^d Byll be read a 2^d time tomorrow morning.

A byll for alteraçon of inconvenient Roads was Read the 2^d time.

And upon 2 Questions being put concerning the Same.

Resolved that the f^d byll be rejected.

Then according to Order the house tooke into Consideration the Reporte of the Committee of Grievances & Propositions upon the Grievances of the *Northern Neck*, complaining of Strange & exorbitant practises used by the Ld Proprietors Agents here, in the execuçon of the grant made their Said Lords of the *Northern Neck*, & therein having spent Sometime, the f^d Report was agreed to by the house, who concurred with the Committee that the mischiefs Complained of by the Inhabitants of the *Northern Neck* are a Great & growing Grievance and therefore.

Resolved. That an addres be prepared to their M^{ties} setting forth the whole & deplorable case of the Inhabitants of the *Northern neck* in the name of this Assembly and humbly imploreing their M^{ties} will be gratioufly pleased to take the case into their princely Consideration & to determine the same as in their Royall Wilddome shall seem most fit & expedient for the better releife of the Complaints of their M^{ties} poore & dutyfull Subjects.

Ordered that it be referred to the Committee of Grievances & Propositions to prepare the f^d Addres & to report it to the house with all convenient expedition.

The *Virg^a* Charter granted by King *Charles* the 2^d of blessed memory bearing date the 10th day of *October* 1676 being read as also a Copy of a certaine Charter & Dated the 3^d of *March* 1675 / 6 which then passed the Signet in *England* & is now Lodged in that Office and.

The house having observed that in the Latter of the said Charters there are divers Clauses contained which are not mentioned in that of the 10th of *October* 1676

Resolved

Resolved that an addres be drawn to their Ma^{ty} that they will be graciously Pleased in their Royall bounty & favour to their Loyall Subjects of this Dominion to grant a Charter to this Countrey, containing as full & ample Clauses of priveledges as the Charter of the 3^d of March 1675 / 6 which passed the Signet & was intended for this Countrey doth consist of.

Ordered that it be referred to the Committee of Grievances & Propositions to prepare the said Addres & that the Clke of the house give his attendance upon the f^d Committee in the Same.

And then the house Adjourned till to morrow morning 8 a Clocke.

Wednesday May 8th 1695.

A BYLL empowering the County Courts of *Accomack & Northampton* to make by Laws for the better restraint of unruly horses read the 2^d time.

Ordered that the said byll be ingrossed & read a 3^d time in the afternoone.

An Engrossed byll intituled *an Act for Lessening the Levy by y^e pöll & laying an Imposition on Liq^s* read the 3^d time & passed the house.

An Engrossed byll intituled *an Act for devidcing of King & Queen County* read the 3^d time.

And the petition of certaine freeholders & Inhabitants of *Pamunkey neck* relateing thereto & referred from the Governor & Councill to this house being then read also.

The question was put for the passage of the f^d Byll & it was *Resolved* in the affirmative & y^e byll pass'd the house accordingly.

Ordered that M^r Soan M^r Cook & M^r Dudley carry to the Councill the two Engrossed bylls which this day passed the house, & desire their hon^{rs} Concurrence thereto.

And then the house adjourn'd till 2 a clock afternoone.

Post Meridiem.

An Engrossed Byll intituled *an Act empowering the County Corts of Accomack & Northampton to make by Laws for the better restrainte of unruly horses* read the 3^d time & passed the house.

Ordered that M^r Custis & M^r Anderson carry the f^d byll to the Councill for their Concurrence.

Ordered that the Consideration of the Reporte from the Conference with the Councill upon that head of the addres of this house in answ^r to his Excellencys Speech which relates to the affitting of *New Yorke* be further referred till tomorrow morning ten a Clocke.

The house adjourned till tomorrow morning 8 a Clock.

Thursday May the 9th 1695

MR Carter Reported from the Committee of Grievances & Propositions that the f^d Committee had according to Order prepared two Addresses to their Ma^{ty} which he delivered in at the Table.

Then the Addres to their Mā^{ty} Setting forth the Whole case of the Inhabitants of the *Northern Neck* being read at the Table. after some debate

Resolved That the house will resolve into a Committee of the Whole house to take the said Addres into Consideration tomorrow morning.

A message from the Councill by M^r Sherlock who brought in to the house & delivered at the Table two bylls, & yⁿ withdrew.

An Addres to their Mā^{ty} prepared by y^e Committee of Greivances & Propositions for their Royall Charter according to the Charter of King *Charles* the Second of blessed memory Lodged in the Signet Office being Read at the Table.

Resolved

Resolved that the 1st Addres be taken into Consideration by the Committee of the whole house appointed tomorrow morning for the consideration of the addres Setting forth the whole Case of the Inhabitants of the *Northern Neck*.

A byll for the enlarging the bounds of *Princes Anne* County returned from the Councill assented to without Amendments.

A byll for Lessening the Levy by the Poll & laying an Imposition upon Liq^r returned from the Councill with the propositions of certain amendm^{ts} which said amendments being read.

Resolved that the 1st amendm^{ts} be taken into Consideration in the afternoone.

Ordered that the Consideraçon of the Reporte from the Conference with the Councill upon that head of the addres of this house in answer to his Excy's Speech which relates to the assisting of *New York* be further referred till the afternoone.

And then the house adjourn'd till 2 a clock afternoone.

Post Meridiem

M^r *Randolph* Chairman of the Committee for Publique Claimes having Reported to the house from the Committee appointed to inspect the Treasurers acco^{ts} to the laist Aff^{ly} of the 4^d Ɔ gallon & to inquire what of the 1st imposition remains unaccounted for that the said Committee had endeavoured to procure a perfect acco^{ts} of the imposition but by meanes of the death of Coll^l *Whiteing* the Treasurer & that the Respective Collectors had not their accounts & discharges from him in Towne they could not accomplish the same.

It is therefore *Ordered*.

That the Respective Collectors of the said Imposition produce an acco^{ts} to the next Aff^{ly} what they have severally received of the 1st duety of 4^d Ɔ gall. Since their acco^{ts} made up with the treasurer & by him preferred to the Assembly in *Novemb^r 1693*

Then according to Order the house took into consideration y^e Report from the Conference with the Councill upon that head of the addres of this house in answer to his Excellency's Speech which Relates to a Supply for *New York* and after a long debate of the Same.

Resolved That the Summe of five hund^d pds *Sterl.* be advanced for the Supply of *New York*, to be paid out of such Imposition upon Liq^r as shal be raised this assembly by an act entituled *an Act for Lessening the Levy Ɔ the poll. & laying an imposition upon Liq^r* and that a byll be forthwith prepared accordingly by M^r *Carter* M^r *Leigh* & M^r *Custis* who are *Ordered* to draw the Same.

Then the house proceeded to the Consideraçon of the amendm^{ts} proposed by the Councill to the byll for lessening the Levy Ɔ the poll & laying an Imposition upon Liq^r and the said amendm^{ts} being read & debated & two thereof agreed to & one disagreed to.

Ordered that a message in Writeing be forthwith drawn by the Clerk & sent to the Councill Signifying how far the house have agreed to the amendm^{ts} proposed by them, & to desire the Councils Concurrence in what the house cannot agree, and y^e M^r *Story* M^r *Mason* & M^r *Dudly* carry the Same.

And then the house adjourn'd till tomorrow morning 8 a clock.

Fryday May the 10th 1695

M^R *Carter* Reported that the Committee to whome the Same was referred had prepared a byll empowering the Governor with the advice of the Councill to apply 500 £ *Sterl* out of the Imposition upon Liq^r raised this Assembly to the Assistance & preservation of *New York* if found necessary.

which was delivered in at the Table & read the 1st time.

Resolved that the said Byll be read a 2^d time in y^e afternoone.

Then

Then according to order the house Resolved into a Committee of y^e whole house to take into Consideration the Addres to their Ma^{ty} Setting forth the Whole case of the Inhabitants of the *Northern Neck* & the addres to their M^{aj}ty for their Royall Charter according to the Charter of King *Charles* the 2^d Lodged in the Signet Office & M^r *Randolph* took the Chair wherein having spent some time M^r *Speaker* resumed the chair & M^r *Randolph* Reported that the f^d Committee had agreed upon two resolutions concerning the said Addressees which he read in his place & then delivered them in at the Table where being againe read the Same were agreed to by the house.

Resolved that certaine Amendm^{ts} proposed by the Committee of the whole house to the Addres Setting forth the whole case of the Inhabitants of the *Northern neck*, be made in the said Addres according to the report of y^e Said Committee & that it be Offered to the Councill for their Concurrence as followeth.

To the King and Queen's most Excell^t Ma^{ty} Wee yo^r Ma^{ty} most dutyfull & Loyall Subjects. Burgeffes now by y^e authority of S^r Edm^d Andros Kn^t yo^r M^{aj}ty Liev^t & Governor Generall of Virginia in this present Generall Assembly convened In all Humility Shew.

That wee are deeply Sencible of the great blessing of Almighty God to all yo^r Dominions in Generall & to this poor Country in particular in that wee have so good & gracious a Sovereign to Reign over us & that as now as at all times wee shal be most Ready to expres our greatest duty to yo^r Ma^{ty} by the greatest testimonies within our poor capacities, And being also fully assured of yo^r M^{aj}ty Gracious inclinations towards all yo^r Loving Subjects even us who are farthest distanced from yo^r Royall Presence & that yo^r M^{aj}ty at all times out of yo^r Royall goodnes will be graciously pleased to hear o^r just Complaints.

Wee therefore at this time beg leave in all dutyfull & humble manner in y^e name & on the behalf of o^r Selves & of all the Rest of yo^r M^{aj}ty dutyfull & Loyall Subjects of this y^r Dominion of *Virga* to lay before yo^r Ma^{ty} the great & growing Grievances that already have & are like to fall upon the Inhabitants of this yo^r poor countrey in generall but in a more speciall manner upon the Inhabitants of the *Northern Neck*, that, is of all the Land Lying between the two great Rivers of *Rappahanock* & *Patomeck* by means of a Patent formerly granted by King *Charles* the 2^d to the Earl of S^t *Albans* &c & now in the Right of the Lord *ffairfax* &c of all the Lands in the f^d Neck, And that wee may be the more Cleerly underitood wee humbly beseech yo^r M^{aj}ty to hear our whole Case from the beginning.

That this *Patomeck* Patent from the first Grant which was first made of it to *Ralph* L^d *Hopton* *Henry* the Earle of S^t *Albans* by y^e name of *Henry* Lord *Jermin* Jn^o L^d *Berkeley* Jn^o L^d *Culpepper* S^r W^m *Morton* S^r *Dudley* *Wyatt* & *Thomas* *Culpepper* & after upon Surrend^r of the f^d first pattent was granted to the f^d *Henry* Earle of S^t *Albans* Jn^o L^d *Berkeley* S^r W^m *Morton* & Jn^o *Trethewy* &c hath all along been complained of as very burthensome & prejudiciall to the Inhabitants of y^e said Neck, that the Gen^l Assembly in the year 1674 & 1675 imployed Agents to withstand the f^d Pattents, whose arguments & reasons made in the behalfe of the Countrey against the f^d Pat^{ts} wee conceive too large to trouble yo^r Ma^{ty} wth yet pray they may be made use of for us, if there shal be Occation, & by whome the busines was so far prosecuted that the Lords &c concerned in the said Patents agreed & became Obligated to accept of the Sum of 2400^l in full Satisfac^{on} of all their Rights & to assygne Over the Same, so soon as his then Ma^{ty} by incorporating the Country Should put them into a Condition of purchaseing of the f^d Lords, & accordingly the then King *Charles* the 2^d of blessed memory by a Charter to *Virginia* which passed the Signet Office the 3^d of *March* 1675 did Constitute the Governor & Councill & Commonalty of this Country into a body politick & Corporate to the intent they might be able in the law to purchase the f^d Grant of the f^d Earle &c but those beginnings were unhappily Obstructed by *Bacons* Rebellion which immediately followed & that beneficiall Charter never passed the great Seal but still remains in the Signet Office under the f^d King *Charles* his hand all which is plainly to be made appear before yo^r Majesties.

And

And whereas the Late Lord *Culpeper* obtained another Grant of King *James* the 2^d confirming Ratyfying renewing & enlarging the aforefaid Grant to the 1st Earle &c wee yo^r Ma^{ty} moft dutyfull & Loyall Subjects humbly pray yo^r Ma^{ty} in yo^r Princely Goodnefs to Consider the time w^{ch} the 1st Grant was Obtained being the 27th of *September* 1688 a time when the 1st King was juft leaving the Nation, when the Kingdome was in a very great Confufion when the fundamentall Laws & Franchiies of the Land were much invaded & had been totally borne downe, if the happy Sunfhine of yo^r Ma^{ty} Acceffion to the throne had not retrieved yo^r Subjects from their finking Condition & at a time when the poore Inhabitants of this Country who were to be the Only Sufferers were not heard to fay one word for o^r Selves.

And whereas may it Pleafe yo^r Ma^{ty} upon the Complainte of o^r Affembly in the year 1691 againft the faid Grant yo^r Ma^{ty} were gracioufly pleafed to refer the Examination thereof to S^r *Jn^o Summers* yo^r Ma^{ty} Attorney Generall who in Obedience to yo^r Royall Commands Reported that for what was Offered before him at that time he did not fee but that the 1st Lett^{rs} patents were Valid in pointe of Law which Report of the 1st S^r *Jn^o Summers* yo^r Ma^{ty} in Councill was pleafed to approve off.

To which wee in the behalf of o^r Selves & of y^e Whole Country in moft humble manner pray Leave to anfwer, that in all dutyfullnes wee muft acknowledge yo^r Ma^{ty} great Juftice in takeing care that o^r Cafe had a fair hearing & we do alfo acknowledge yo^r Ma^{ty} S^d Attorney Generall gave a very legall Judgem^t according to the cafe as it was than argued before him but in all humilitie wee muft defire to be admitted to fay that o^r Councill that argued for us had no true knowledge of y^e Strength of o^r Cafe & that wee humbly Conceive if our bufines were now plainly to be laid before the 1st S^r *Jn^o Summers* he would give a very different Opinion.

And now may it Pleafe yo^r moft Excellent Ma^{ty} wee in moft humble manner beg leave to fet forth before yo^r Ma^{ty} the many Evills the Inhabitants already ly vnder by the Strange & exorbitant pra^ctifes now ufed by the honorable L^{ds} Agents in the Execu^con of the 1st Grant which wee can prove to be thefe *viz*

1. That the 1st Lords Agents demand double the rent that the King accepted of at the time of y^e making their Grant or that hath been paid either before or Since.
2. That the 1st Agents have altered the formes of their tenures Changing patents into Conveyances, & entry of Rights is totally left of, fo that one of y^e great motives, to wit, the Peopling of y^e Country which firft induced the King to make this Grant is quite laid afide.
3. That the 1st Agents Sell the Lands now taken up at the full value & Sometimes a great deal more, their pra^ctife being when a perfon Offers to take up Land they compell him to Surmife the quantity which accordingly they agree for, takeing the parties Obliga^con but if upon tryall there be lefs found, the party is without remedy, if there be more the Agents grant that anew.

That the 1st Agents upon ay [any] Offer made of Lands to be Efcheated immediately Convey over the Same without any Office found by a Jury the Confequences whereof will of neceffity be, that many perfons will be defrauded in paying for Lands they will never recover, & on the other hand many perfons will be vexed with Chargeable Law Suits to defend their juft titles.

That the Agents where there are Surplus Lands in Patents take upon them to difpofe of the Same to whome they pleafe not preferring the Patentee according to the Cuftom pra^ctifed throughout the Country.

That when Efcheats fall the Conftant ufage is through the reft of the Countrey & which is according to the Kings inftructions from time to time & provided for by y^e Charter under the broad Seal, that the Poffeffor his heirs & affygns Shall enjoy the Lands fo efcheated paying 2^{lb} of tob^o ewy [every] acre Compofition, but the Lords Agents tie themfelves to no rules preferring whome they pleafe & on what termes.

4. Some of the 1st Lds Agents have not only granted lands already Efcheated but even Lands that fhall efcheat *in Futuro*, an Inftance of which can be given where

a person entered all the Escheats that should fall near adjacent to a Particular Patent after which a peice of Land near the place happened to escheat and a neighbour knowing thereof applied himself to the Office, to enter the escheat but was Prevented by y^e entry made before the Escheat fell.

5. In all their Conveyances the f^d Agents reserve a Clause of Re entry upon the nonpaym^t of Rent for 2 yeares, tho in their f^d Conveyances they do not oblige themselves either to demand or receive the Same.

6. And for lands Lapping for wante of Seating none Such will happen for in the Conveyances of y^e f^d L^{ds} Agents there is not any Limitation upon that accounte & accordingly a man may hold 50000 or more Acres of land by a Secure title & that without so much as actually Seating or building upon any part of it, And further most dread Sovereigne's give us leave in all humility to add that it is a great aggravacion of the preffures the f^d Inhabitants of the f^d Neck are under, that they should be under such different Circumstances from the Rest of yo^r Mā^{ts} Countrey when notwithstanding all the Considerable lands in the f^d Neck were granted to the Inhabit^{ts} before the date of the f^d L^{ds} Grants by y^e Kings Govern^r for the time being in as large & ample manner as any other Lands in the Country, that the f^d Neck was Seated at the only peril & Charge of the Inhabitants ancestors & themselves the hon^{ble} L^{ds} now concerned nor any of the former L^{ds} having been at noe Charge in seating or peopling any part thereof, & it was divided into Counties & parishes, under the settled Order of the Rest of the Governm^t & had County Courts Sheriffs Justices of the Peace & all other necessary Officers long before the hon^{ble} L^{ds} Patent was ever heard of, & at last to be thus deprived of our Immediate dependence on yo^r Ma^{ty's} & turned over from assignees to assignees cannot but very much increase our misery.

These with other most gracious Sovereigns give us leave to say are the ruinous effects the f^d Inhabitants of the f^d neck already Suff^r & many more they have reason to fear will be the Evill Consequences that will inevitably fall upon them unless they can have refuge under yo^r Mā^{ts} Gracious Wings.

Prostrate therefore at yo^r Sacred feet most Dread Sovereigns, wee humbly Submitt ourselves & o^r Cause in the name of o^r Selves & of the Whole Country in most dutyfull manner, most humbly beseeching yo^r Ma^{ties} to take y^e premises into yo^r Princely Consideracion & to determine the same as in yo^r Royall Wisdoms Shall Seem most just & expedient for the better releife of yo^r Mā^{ts} poor oppressed but most dutyfull Subjects. And wee in all dutyfullnes & Loyalty Shall ever pray for yo^r Ma^{ts} Long & prosperous Reign over us.

Resolved That the amendm^{ts} proposed by the Committee of the Whole house to the address for their Mā^{ts} Royall Charter according to the Charter of King *Charles* the 2^d lodg'd in the Signet Office be made in the f^d Address according to the Report of the f^d Committee & that it be Offered to the Councill for their Concurrence as followeth

To the King & Queen's most Excell^t Mā^{ties}

Wee yo^r Ma^{ts} most Dutyfull & Loyall Subjects the Burgeffes of the Gen^l Assembly of *Virginia* from an happy experience of your Constant Royall Goodnes & bounty not only to yo^r Dominions in generall but to this also in Particular ever Since it hath been blessed with yo^r Ma^{ts} Reign being fully assured of yo^r Ma^{ts} most gracious inclinations & Settled resolucons to grant Confirme & Continue to all yo^r Dutyfull Subjects the benefit of your Laws & to indulge them in all just & reasonable Liberties, do in all dutyfull & humble mann^r in the name & on the behalfe of our selves & of all the rest of yo^r Mā^{ts} most dutyfull & Loyall Subjects of this yo^r ancient Dominion of *Virg^a* presume to lay before yo^r Mā^{ties}

That King *Charles* the Second of ever blessed memory out of his Royall goodnes towards & for the increase & growth of this his Colony & Dominion in the xxviiith year of his Reign was most Graciously pleased to cause his Royall Charter for this Country to be drawne & prepared, which the 3^d day of *March* in the f^d year passed the Sygnet & hath ever Since remained in that Office without any further progres to consummate his most gracious & Royall intentions.

Wherefore

Wherefore wee yo^r Ma^{ty} most Loyall & dutyfull Subjects as aforefaid having under our most Serious Consideration how greatly the passing and Perfecting of such a Royall act as the f^d Charter may tend to y^e Comfort and encouragem^t of all yo^r Ma^{ty} good Subjects settled in this Dominion, in freeing them from all manner of disquiet & fear of Grants, that may be endeavoured to be procured which may tend to the removing of them to a remote degree from yo^r Royall care & Protection & to introduce new Methods of Governm^t not agreeable to the Laws of yo^r noble & ancient Kingdome of *England* from whence they are descended, Do in all dutyfull & humble manner beseech yo^r most Excellent Mā^{ties} to take into yo^r Princely Considera^{cion} all & Singular the grants paragraphs priveledges & Clauses mentioned & Contained in the f^d Charter of King *Charles* the Second & intended to be made for the happines of this yo^r Dominion, & that thereupon yo^r Ma^{ties} out of your tender inclination & Regard to your poore & dutyfull Subjects inhabiting here, will be gratio^{sly} be pleased to grant & Confirme the Same in a Royall Charter of yo^r Owne, together with Such further Additions inlargem^{ts} & Priveledges as yo^r Ma^{ty} in yo^r Princely Wildome shall think fitt & Convenient.

For all which relying solely on yo^r Royall & Wonted Goodnes, wee Shall presume no farther on yo^r Ma^{ties} Patience, then as wee are your Mā^{ty} duetyfull & Loyall Subjects, to pray for yo^r Ma^{ty} long & prosperous reign over us.

Ordered that the Addres to their Ma^{ty} Setting forth the Case of y^e *Northern neck*, & the addres for their Ma^{ty} Royall Charter be fairly transcribed & brought into the house to morrow morning in Order to be sent to the Councill.

And then the house adjourn'd, till 2 a clock afternoone.

Post Meridiem.

A byll empowering the Govern^r with the Advice of y^e Councill to apply 500 £ *Sterl.* out of the imposition upon Liq^{rs} raised this Affembly to the assistance & preservation of *new york* if found necessary, read the 2^d time.

Ordered that the f^d byll be ingrossed & read a 3^d time tomorrow morning.

And then the house adjourned 'till 8 a clock to morrow morning.

Saturday May the 11th 1695.

A MESSAGE from the Councill by M^r *Sherlock* who brought in to the house Severall bylls & withdrew.

A Message to the Councill in Writeing *viz*

May it please yo^r hon^{rs}

The house of Burge^{sses} having agreed upon & prepared an addres to their Mā^{ty} Setting forth the Whole Case of the Inhabitants of y^e *Northerne Neck*, and an addres that their Mā^{ty} would be gracio^{sly} pleas'd to grant their Royall Charter to this Country, as was intended by King *Charles* the 2^d of ever blessed memory in the year 1675 but stop'd in the Signet Office doe herewth Transmit to yo^r hon^{rs} the f^d Addreses together with a Copy of y^e f^d Charter of King *Charles* the 2^d for yo^r Hon^{rs} perusal & Consideration & doe desire that yo^r hon^{rs} will be pleased to joine with this house in having the f^d Addreses presented to their Mā^{ty} which this house judge may be of extraordinary Service to the Inhabitants of y^e *Northern Neck* in particular & to the whole Country in Generall.

Ordered that M^r *Batts* M^r *Mason* M^r *Kennor* M^r *Dudley* M^r *Ousley* & M^r *Thompson* carry y^e said Message to the Councill together with y^e addreses & Copy of the Charter therein men^{tioned}

A byll appointing Rang^{rs} at the heads of the 4 great Rivers returned from the Councill assented to.

A byll for lessening the Levy by y^e pöll & laying an Imposition upon Liq^{rs} return'd from the Councill assented to, according to the agreed amendm^{ts} of the house of Burgeffes.

Which amendm^{ts} being made in the Byll.

Ordered that the f^d Byll be carried back to the Councill for their View that the same is amended according to agreem^t

A byll for divideing *King & Queen* County returned from the Council not agreed to.

A byll empowering the County Courts of *Accomack & Northampton* to make by Laws for the better restrainte of unruly horfes returned from the Councill not agreed to.

A byll Impowering *James City* County Courte to make by laws for restraining hogs runing at Large in *James City* returned from the Councill not agreed to.

A byll for Reviveing the 7th act of Assembly made at *James City* the 16th day of *Aprill* 1691 & for the ascertaining the Size of tobacco hh^{ds} returned from the Councill with this proposition that instead of Reviveing the 6th Act of Aff^{bl}y made at *James City* the 20th of *8ber* 1686 regulateing the tares of tobacco hogfheads the full effect of the f^d Law be inferted and the same being read & considered.

Resolved That the house will adhere to the byll as Sent to the Councill. for concurrence.

Ordered that a Message be Sent to the Councill in Writeing as followeth.

May it please yo^r Hon^{rs}

The house of Burgeffes having Considered your Hon^{rs} proposition to the Byll for Reviveing the 7th Act of Aff^{bl}y made at *James City* the 16th day of *Aprill* 1691 & for the ascertaining the Size of tob^o hogfheads to wit that instead of Reviveing the 6th Act of Aff^{bl}y made at *James City* the xxth *October* 1686 Regulateing the tares of Tobacco hogh^{ds} the full effect of y^e f^d Law be inferted.

Have resolved that they will adhere to the byll & therefore desire your hon^{rs} Assent to the Same without alteration or amendment.

And that M^r *Diggs* M^r *Barber* M^r *Kemp* & M^r *Ranfone* carry the Same together with the byll therein mentioned.

An Engrossed byll intituled *An Act empowering the Govenor wth the advice of the Councill to apply 500 £ Sterl. out of the imposition upon Liq^{rs} raised this Assembly to the assistance & Preservation of New Yorke if found necessary*, was read y^e 3^d time & passed the house.

Ordered that the f^d Byll be carryed to the Councill for their concurrence by y^e persons appointed to carry the Written Message concerning the bylls for reviveing y^e 7th Act of Assembly made at *James City* y^e 16th day of *Aprill* 1691. &c.

M^r *Ranfone* moving the house for leave to goe to his house in the Countrey upon extraordinary Occasions.

Leave was given Accordingly.

Ordered that he give his attendance in the house at ten a Clock on *tuesday* next in the morning.

And then the house adjourned, till one Clock afternoone.

Post Meridiem.

M^r *Sherlocke* brought into the house 2 Messages from the Councill in Writeing which were read as followeth.

By the Councill

M^r Speaker & Gentlemen of the house of Burgeffes.

Vpon Consideraçon of the third Paragraph of yo^r addres in answer to his Excellencies Speech concerning the maintenance of the Clergy wee do desire that the house of Burgeffes will appointe some of their members to Conferr with Some of the Councill thereupon.

By Order of y^e Councill

the 11th May 1695.

James Sherlock Cl Gen^l Aff^{bl}y

By

*By the Council**Mr Speaker & Gentlemen of the house of Burgeses.*

Vpon Consideraçon of y^e Written Message for Revifall of the Laws, We are of Opinion that it is a good & necessary Worke, & are Willing to Confer with you abt the Methods of doing the Same.

*By Order of y^e Council**James Sherlock Clk Gen Aff^{ly}*the 11th May 1695.

Resolved that the house will joyne with the Council in a Conference upon the 3^d Paragraph of the addrefs of this house in answer to that part of his Excellencys Speech which relates to the maintenance of y^e Clergy & Concerning a Method for Reviseing of the Laws according to the message this Afternoone, to be held upon both the f^d matters at one time.

Ordered that M^r Custis M^r Willson M^r Thompson M^r Heale & M^r Anderson forthwith withdraw & move the Council to acquainte the house how many they will be pleased on their part to assygne for manageing the f^d Conference & to Signify the time & Place when & where the Conference shal be held.

And they being Returned

Reported That the Council were pleas'd to say that the Same persons y^t managed y^t Conference relateing to the affaires of *New York* would be ready to meet Such Members as Should be appointed by this house in M^r Sherwoods Hall on *tuesday* morning next at 9 a Clocke & Conferre with them upon y^e Subject matter of both the messages this day sent from the Council relateing to a maintenance from [for] the Clergy, & the method for Reviseing the Laws.

Ordered that M^r Carter M^r Custis M^r Leigh M^r Randolph M^r Barbar M^r Jenkins M^r Armistead & M^r Willson be empowered in behalfe of this house to Conferre with the Council according to the Subject matter of two written Messages from their honors this afternoone relateing to the maintenance of the Clergy & the method for Reviseing of the Laws & that they attend their Honr^s at the time & place appointed & make reporte of the Conference to the house.

And then the house adjourn'd till *munday* Morning 10 a Clock.*Munday May the 13th 1695.*

THE house called Over & divers persons being missing.

Ordered That the house be called over againe two a Clock afternoone.

And then the house Adjourn'd till 2 clock afternoone.

Post Meridiem.

The house being called over according to ord^r & divers persons missing that were absent in the morning *Viz* M^r W^m Randolph M^r W^m Basset M^r Dan^l Parke M^r Rob^t Carter M^r W^m Rascow M^r W^m Taylor & M^r Mathew Kemp.

Ordered that the Clerk give a Lift of their Names to the Messinger who is to give them notice, that they respectively make Application to the house & set forth the reasons of their absence before they come into the house to take their places.

And then the house adjourn'd till tomorrow morning 8 a Clock.

Tuesday May 14. 1695.

THE house called Over & being informed that M^r Basset attended wth out & desired leave to be admitted to make his excuse for his Absence yesterday, he was thereupon called into the house where being heard what he had to say, he was admitted to his place.

A Message from the Council in writeing being read.

Ordered, that the Consideraçon of the same be referred till the afternoon*Ordered*

Ordered that M^r *Sherwood*, M^r *Diggs* attend the Conference this day appointed with the Councill in y^e roome of M^r *Carter* & M^r *Randolph* who are absent.

And then the house adjourn'd till ten a Clock.

The house met & being informed that M^r *Randolph* M^r *Carter* & M^r *Park* attended without & desired to be admitted to make their respective excuses for their absence yesterday they were called into the house where being heard w^t they had to Say, they were respectively admitted & Ordered to take their Places.

M^r *Custis* Reported from the Conference with the Councill upon the 3^d paragraph of the addres of this house in answer to his Excellencies Speech relating to a maintenance for the Ministers of this Countrey & upon the methods proposed by y^e House for Revivall of the Laws the Severall passages & argum^{ts} of the 1st Conference.

And upon the Report of that part of the Conference which relates to the method for Revivall of the Laws & upon Considera^{on} of which the house first proceeded.

The house agreed that Six persons to be appointed by the house & three of the Councill to be joined with them be the number for Revivall of the Laws all or any four of which with one of the Councill meeting together to be a Quorum to proceed in the Revivall, & then

Ordered that the nameing of y^e persons be referred till the afternoone.

The house adjourn'd till 2 a clock afternoone.

Post Meridiem

Ordered That the written message to the Councill referred till this afternoone be referred to a further time convenient to Consider the Same.

And then According to Order the house taking into Considera^{on} the nameing of Persons for the Revivall of the Laws.

Ordered that every member of the house do forthwith prepare a Lift of six persons in paper whome he shall think fitt to be employed in the Revivall of the Laws & put the Same upon the Table.

And then the house adjourn'd for half an hour.

And being met the severall members of the house according to Order laying upon the Table their Severall Lifts of six persons whom they thought fit to be employed in the Revivall of the Laws M^r *Carter* M^r *Custis* & M^r *Leigh* were directed to view the Lifts & to make reporte upon what Six persons named in the 1st Lifts the Majority fell who accordingly withdrawing for some time.

M^r *Custis* Reported how the Majority fell & upon Considera^{on} thereof

Resolved That *Phillip Ludwell Esq^r* M^r *W^m Leigh* M^r *Rob^t Carter* M^r *W^m Randolph* M^r *W^m Sherwood* & M^r *Peter Beverley* be the persons, that every person employed in the Revivall of the Laws be allowed for his expence one hund^d & thirty pds of Tob^o for each days attendance on that Service, That the Choos^{ing} a Clerk be left to the Revi-fer's who Shal be allowed the Same for his expence, & that the Consideration of a further gratuity to every person employed be referred to the discre^{tion} of the Ass^{bl^y} to which the Revivall shal be reported.

Ordered that a message be prepared in Writeing to Signify to the Councill the proceedings of the house upon their Considera^{on} of the Report from the Conference with y^e Councill relating to the method for Revivall of the Laws.

Then the house taking into Consideration that part of the Report from the Conference with the Councill which related to the maintenance of the Ministers of this Country after a Long debate.

Resolved That a byll be prepared ascertaining the Sum of 13333½ £ of tob^o for a ministers maintenance in each Parish &

Ordered that it be referred to M^r *Leigh* & M^r *Sherwood* to draw the Same & to report it to the house tomorrow morning.

And then the house adjourn'd till 8 a Clock tomorrow morning.

Wednesday

Wednesday May ye 15th 1695.

THE house being informed that M^r Kemp & M^r Rascow attended without & desired to make their excuses for their Absence they were Called into the house where being heard w^t they had to say, they were respectively admitted to take their places. 1676022

A Message to the Councill in Writeing viz^t

May it please yo^r Hon^{rs}

The house of Burgeses having taken into Consideraçon the Subject matter of the Conference yesterday upon a Method for Revifall of the Laws of this Country they humbly Signify to yo^r Hon^{rs} that they are of Opinion that les then nine persons cannot well be employed about that Work of which they have appointed fix. Viz^t Phillip Ludwell Esq^{re} M^r W^m Leigh M^r Rob^t Carter M^r W^m Randolph M^r W^m Sherwood & M^r Peter Beverley to be joyned with such three of the Councill as yo^r Hon^{rs} shall think fitt to appointe any four of which Six with one of the Councill (if no more happen at any time to meet) to be a Quorum to proceed in the Revifall, & that they have agreed that the allowance to every Person during his Attendance on that Service be one hund^d & thirty £^s of tob^o p^r day for his Expence, that the Clerk be Chosen by the Revifers who shall have like allowance for his expence & that a further gratuity to each person be referred to the Consideration of that Assembly to which the Revifall shal be reported.

In all which they desire yo^r hon^{rs} Concurrence & that you will be pleased to nominate such three of the Councill as you shall think fit with all convenient expedition, to the end a Byll may be prepared for settling the method of the Revifall according to these Conclusions & such other propofalls as were made to yo^r hon^{rs} in the Written message of this house relateing thereto & have not been excepted against.

Ordered that M^r Sherwood M^r Washburne & M^r Basset carry the f^d message to the Councill.

A byll for maintenance & support of Minist^{rs} Read y^e 1st time.

Resolved That the f^d byll be read a 2^d time in the afternoone.

The house adjourn'd till 2 a Clock afternoone.

Post Meridiem

The house being informed that M^r Taylor attended without & desired to be admitted to make his excuse for his absence, he was called into the house where being heard what he had to Say, he was admitted to take his place.

A Message from the Councill by M^r Sherlock who brought into the house the booke of Claimes & severall bylls which he delivered at the Table & withdrew.

A byll for the maintenance & Support of Ministers read the 2^d time

Ordered that the f^d byll be ingrossed & read a 3^d time to morrow morning.

The booke of Publique Claimes being returned from the Councill agreed to with the proposition of Some addition to be made to the Same viz^t M^r Secretaries Allowance for the Writts for Election of Burgeses to Serve in this Assembly & pay for the Burgeses now raised, the f^d Proposition was agreed to. &

Ordered that the Committee of Publique Claimes forthwith withdraw & add the Same to the book of Reports of y^e f^d Committee according to the Councills proposition.

A byll empowering the Govern^r with the advice of the Councill to apply 500 £^s Sterl. out of the Imposition upon Liq^r raised this Assembly to the assistance & preservation of New Yorke if found necessary. return'd from the Councill assented to.

A byll for Reviveing the 7th Act of Assembly made at James City the 16th day of Aprill 1691, & for the ascertaining the Size of tob^o hogsh^d returned from the Councill agreed to.

A byll appoynting how probats & Administrations shal be Sygn'd for the future, returned from the Councill not assented to.

A Message from the Councill in Writeing viz^t

By the Councill

Mr Speaker & Gentlemen of the house of Burgeffes.

Vpon a byll for fygneing the Probats & Adminiftrations the former Law appoynting the same, to be fygnd by certaine Justices in each County being repealed by proclamation the said byll is not affented to. But his Excellency for the Ease of the Inhabitants of this Colony has taken care to authorise persons in the severall Countys for fygneing the probates & adminiftrations granted by their Courtes.

By Order of the Councill

James Sherlock Clk Gen^l Aff^{ly}

May 15th 1695.

A Message from his Excellency & the Councill in writeing viz^t

Mr Speaker & Gentlemen of the house of Burgeffes.

In answer to your Message relateing to taking up of Lands on the South side of *Blackwater* Swamp, All due regard will be had thereon as Occation.

By order of his Excellency & y^e Councill

James Sherlock Clk Gen^l Aff^{ly}

May 15th 1695.

The Petition of *John Pleasint* referred by the Councill to the house of Burgeffes being Read.

Ordered That the Consideraçon of the f^d Petition be referred to the next Assembly

Mr Randolph Reporting from the Comitte for Publick Claimes that the f^d Comitte had according to Order annexed to the book of Reportes of that Comitte an allowance to *Mr Secretary* for the Writs for Eleçtion of Burgeffes & 18 moneths pay for the rang^{rs} now raised according to Law the Same were read & agreed to by the house.

Ordered that *Mr Custis* *Mr Barbar* & *Mr Sherwood* carry to y^e Councill the f^d book of Claimes with the Additions thereto made for their Concurrence.

Whereas *Mr W^m Sherwood* is allowed by this Assembly thirty seven pds ten shill. *Sterl.* for the Councill Chamber one year & an half ending the 15th day of *Aprill* last.

Resolved & accordingly *Ordered*

That the Said Sum of 37^l: 10^s: 00^d *Sterl.* be paid unto the said *W^m Sherwood* out of the money that shall next arise from the Imposition upon Liquors Laid this Assembly after the 500 £^s *Sterl.* appointed for the Supply of *New York* shall be raised.

Ordered that this resolve be carried to the Councill for their Concurrence & that the Persons who carry the booke of Claimes do the Same.

And then the house adjourn'd till tomorrow morning 8 a clock.

Thursday May the 16th 1695.

AN engrossed byll entituled *an Act for the maintenance & Supply of ministers* read the 3rd time & passed the house.

Ordered that *Mr Chamberlaine*, *Mr Robinson* & *Mr Crafford* carry it to the Councill for their Concurrence.

Mr Mafon Reported from the persons appointed that according to Order of the house, they had discoursed Severall Workmen concerning the Repairing & Inlargeing the Secretaries Office & found none that would undertake the whole under fifty pounds *Sterl.*

Resolved & accordingly *Ordered*.

That an addres be prepared to their M^{tes} setting forth the State of the Country & that it be referred to *Mr Carter* *Mr Custis* & *Mr Leigh* to draw the same.

The house adjourn'd till 2 a Clock afternoone.

Post Meridiem

A Message from the Councill by *Mr Sherlock* who brought into the house the booke of Claimes & other papers which he delivered at the Table & withdrew.

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The booke of Reports of the Committee for Publick Claimes with the Additions thereto made & Sent to the Councill, returned from the Councill assented to.

A Message from the Councill in Writeing *viz*

By the Councill

M^r Speaker & Gentlemen of the House of Burgeffes.

The booke of Claimes (returned with the additions) being Considered by y^e Councill, do take notice that the Minifters attending & reading Prayers this Affembly are not gratified as usually.

By order of the Councill

James Sherlock Clk Gen^l Affembly.

May 16. 1695

The Refolve of this house for paym^t of 37^l. 10^s. 0^d. *Sterl.* to M^r W^m Sherwood out of the Imposition upon Liq^{rs} returned from the Councill assented to.

The byll for the maintenance & support of Minifters returned from the Councill with the Proposition of severall Altera^{co}ns & amendm^{ts} which f^d Altera^{co}ns & amendm^{ts} being Read part thereof were agreed to & p^t disagreed to, & a message thereupon to the Councill, in Writeing as followeth

May it Please yo^r Hon^{rs}

The house of Burgeffes having considered the amendments proposed by yo^r Hon^{rs} to the byll for the maintenance & Support of Minifters have agreed to those amendm^{ts} proposed by yo^r hon^r that the word (ascertaining) be inserted as yo^r hon^{rs} propose that the preamble be left out & that the word (said) be left out but have disagreed that instead of 13333[£] of tob^o the words (sixteen thousand pds of tob^o at least) be inserted & therefore humbly pray yo^r hon^{rs} to assent to the f^d byll with the amendm^{ts} agreed to by the house.

Ordered That Cap^t Randolph M^r Park M^r Chamberlaine & M^r Baffet acquaint the Councill that this house desired to know before they proceed to proportion the Levy what method their hon^{rs} think best to be taken for y^e Raifeing of pay for the Rang^{rs} appointed this Aff^{ly}

M^r Carter from the Committee appointed to draw an addres to their M^{as} Setting forth the State of the Country Reported that the f^d Committee had accordingly prepared an addres, which being delivered in at the Table was Read as followeth.

To the King & Queen's most Excellent Majesties.

May it Please your M^{as}

Wee yo^r M^{as} Loyall & dutyfull Subjects the and Burgeffes of this Present Generall Affembly of your Dominion of *Virginia* in all humility shew, That his Excellency yo^r Govern^r here having Communicated to us your M^{as} Letter requireing Affistance to be given from this Government to your Province of *New Yorke*, upon Consideration whereof to testify our ready Obedience to yo^r Ma^{as} Commands have raised 500[£] which wee have appropriated to be employed upon application from thence to the affistance of that your M^{as} Province this Sum most gracious Soveraignes tho smal in respect of what is Required, is indeed Considering the poor Circumstances of this y^r Country far beyond what wee are able at this time to give & that yo^r M^{as} may be the better informed of our true Condition, Wee in all humility beg leave to lay before yo^r M^{as} the true & naked State of this yo^r poor Country.

And herein wee must humbly Intreat yo^r most Gracious Ma^{as} to take into yo^r Princely Considera^{co}n the great & heavy Taxes that are laid upon our only Staple com^omodity tobacco, by which meanes this yo^r M^{as} poor Colony is reduced to so great Poverty & want, that many of the Inhabitants thereof are not capable by y^e Sale of their Tob^o to procure necessary raiment, to shelter them from the extreimity of y^e Weather.

And notwithstanding our great poverty & necessities with which we not only labour at present, but are growne old under, yet may it please your most Gracious Ma^{as}, so great hath o^r Loyalty & humble duty to yo^r M^{as} at all times been, that when
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the greateſt of our Wants preſſed upon us, Wee being zealous to defend this yo^r Mā^{ty} Dominion (from whence ſo great a Revenue ariſes to yo^r moſt Gracious Mā^{ty}) have with great & exceſſive Charges to all the Inhabit^{ts} of this your Dominion without the leaſt aſſiſtance from any other place maintained Soldiers to guard the frontiers of it which being naked open & defenceleſs & thereby more Subje^{ct} to the Incurſions & Invaſions of o^r Enemies hath neceſſitated his Excellency yo^r Mā^{ty} Govern^r of this yo^r Dominion to make a Conſiderable addition to the Soldiers on the ffrontiers almoſt double the number that were formerly thought ſufficient for that ſervice.

And further wee moſt humbly beg leave in all humility to repreſent to yo^r Moſt gracious Mā^{ty} that the Diſtance of that yo^r Ma^{ty} Province of *New York* from this your Dominion of *Virg^a* is ſo great that not the leaſt ſecurity or com^omodity can poſſibly redound to this your Ma^{ty} Dominion by y^e Defence of that yo^r province of *New York*. Yet nevertheleſs were our abilities to ſerve your Moſt gracious Mā^{ty} (whome it hath pleaſed God of his infinite Goodnes to all yo^r Dominions to ſet over them) the greateſt & beſt of Princes, in the defence of that yo^r Province, equall to our dutyfull & Loyall Zeal to obey all your moſt gracious Mā^{ty} Royall Com^ands wee ſhould wth all alacricity & Willingnes be ready at all times on yo^r Mā^{ty} Commands to aſſiſt & defend not only *New York* but even the very utmoſt parts of yo^r Ma^{ty} great & Spacious Dominions.

Wee therefore your Ma^{ty} moſt dutyfull & loyall Subjects on the behalfe of our Selves & of all the Inhabitants of this yo^r Antient Dominion do moſt humbly implore & beſeech yo^r Moſt gracious Ma^{ty} to take o^r neceſſitous Condition into yo^r Princely Conſideration & that yo^r Mā^{ty} will be moſt graciouſly pleaſed for the future not to lay any Such Com^ands upon us as our inabilityie, Shall to our great greif incapacitate us to obey; but that yo^r Moſt Gracious Ma^{ty} will be pleaſed to accept of our moſt unfeigned prayers for yo^r Long & happy Reign over us, as the greateſt Teſtimonies of our moſt duetyfull & Loyall affection to y^r moſt Gracious Ma^{ty}.

And approved.

Ordered that the ſaid Addres be fairly tranſcribed & ſent to the Council with a Meſſage, that they will be pleaſed to join wth the houſe in haveing the Same preſented to their Majeſties.

M^r *Randolph* Reported that in an answer to the meſſages ſent by him to the Council about paym^t of the Rang^{rs} now raiſed they were pleaſed to ſay they would Conſider of it & return an answer.

Resolved & accordingly Ordered.

That M^r *Cope Doyley* Clk for his attendance & Reading prayers this Affembly be paid the Sum of five p^{ds} *Sterl.* as it ſhall ariſe from the Impoſition upon Liq^{rs} laid this Aff^{bly} after the money ordered M^r *W^m Sherwood* is raiſed & paid.

Resolved & accordingly Ordered.

That M^r *Sam^l Eburn* Clk for his attendance & Reading prayers this Affembly be paid the Sum of five pds *Sterl.* as it ſhall ariſe from the Impoſition upon Liq^{rs} laid this Affbly after the Money Ordered M^r *W^m Sherwood* is raiſed & paid.

Ordered that the f^d *Refolves* be carried to y^e Council for their Concurrency.

Ordered that M^r *Sherwood* M^r *Waters* M^r *Tayloe* M^r *Story* M^r *Barbar* & M^r *Jenkins* carry the addres to their Mā^{ty} ſetting forth the State of the Country y^e meſſage about the byll for the maintainance & Support of Miniſters & the *Refolves* of this houſe for paym^t of five pounds to M^r *Doyley* & five pds to M^r *Eburn* out of the impoſition upon Liq^{rs} to the Council.

A Comⁱtee for Proportioning the Publick Levy.

M^r *W^m Randolph* Chairman

M^r *Dan^l Park*
M^r *W^m Baffet*

M^r *Poynes Weldon*
M^r *W^m Raſcow &*
M^r *Jn^o Waſbourne*

A Message from the Council by M^r Sherlock.

M^r Speaker

The Council not fully vnderstanding the Verball message by Cap^t Randolph, desire it may be sent in Writeing

And Accordingly a Message being prepared in Writeing as followeth.

May it please yo^r hon^{rs}

The house of Burgeffes Considering how inconvenient it may be to the Rang^{rs} to have 6 moneths pay Levied in the year 1696 wthout any other Publick Levy in regard it must be scattered & in small parcels throughout the Country propose to raise 12 moneths pay in the Levy for 1695 & to leave y^e remaining 6 moneths pay, till another publick Levy, in w^{ch} they desire to be satisfied how far yo^r hon^{rs} Concur before they proceed to proportioning the Levy.

Ordered that the persons who delivered the Verball message to that purpose carry y^e Same to the Council.

And then the house adjourn'd till to morrow morning eight a clock.

Fryday May 17th 1695

A MESSAGE from the Council by M^r Sherlock in Writeing
M^r Speaker & Gentlemen of the house of Burgeffes.

In answer to your message for the Levying the pay for the Rang^{rs} wee concur with you for the raising a 12 moneths pay in the Levy for the year 1695 & for the remaineing 6 moneths pay for the Rang^{rs} (to avoid the levy by y^e pole for that Service) wee propose that the Same be paid out of the duety of 4^d p^r gall. arising upon Liq^{rs} It being laid for the Lessening the Levy p^r the pöll: and if there shall not be sufficient to discharge the same the remaining part to be raised next Publick Levy.

By order of the Council

James Sherlock Clk of the Generall Assembly

May 16th 1695

A Message to the Council in Writeing

Vpon Consideraçon of yo^r hon^{rs} message relateing to the Paym^t of the Rangers now Raised.

The house of Burgeffes agree that it be left to the next Assembly to Consider whether the Last 6 moneths pay shal be made by a Levy on the Pöll or out of the Imposition upon Liq^{rs} & that 12 moneths pay be now raised in the Publick Levy, to which they desire yo^r honors Concurrence.

Ordered that M^r Waters M^r Ousley & M^r Kennor carry the said message to the Council.

A message from his Excellency by M^r Sherlock.

M^r Speaker

His Excellency commands this house to attend him immediately in the Generall Court house to pass five bylls.

Ordered that M^r Park M^r Carter M^r Randolph M^r Anderson & M^r Tayloe forthwith wait upon his Excellency & acquainte him that the Enrolled bylls are just brought into the house & there compareing which as soon as done the house will wait upon his Excell^{cy}

And they being returned M^r Parke acquainted the house that his Exc^{cy}: was pleas'd to say he would stay till they were examined.

A message from the Council by M^r Sherlock.

M^r Speaker

I am comanded by y^e Council to acquainte yo^r That they desire the Enrolled Bylls when examined by yo^r house be sent to them for perusal.

Ordered

Ordered that Mr Cuthis Mr Sherwood, & Mr Jenkins carry the enrolled bylls to the Councill to compare, which being returned into the house by Mr Sherlock.

The house according to his Excell^{ty}s Commands forthwith went to attend his Excell^{ty} in the Gen^l Courte house.

And being Returned Mr Speaker acquainted the house that his Excell^{ty} was pleased to pass the byll entituled *an Act appointing Rang^{rs} at the heads of the 4 great Rivers* The byll entituled *an Act for enlarging the bounds of Princes Anne Countie*, the byll Entituled *an act for lessening the Levy & the poll: & laying an Imposition upon Liq^{rs}* the byll intituled *an act empowering the Govern^r with the advice of the Councill to apply 500 £ Sterl. out of the Imposition upon Liq^{rs} raised this Assembly to the assistance & preservacon of New York if found necessary*, & the byll intituled *an Act for reviving the 7th Act of Assembly made at James City the 16th day of Aprill 1691 & for the ascertaining the Size of tobacco hogheads.*

And afterwards to say

Mr Speaker, having passed these Bylls I recommend to yo^r Consideracon what further necessary to be dispatched for their M^{aj}s Service & good of this country, in which hope a Suitable regard in all respects.

A Message from the Councill by Mr Sherlock who brought into the house

The byll entituled *an act for the maintenance & Support of Ministers* not agreed to by y^e Councill except the amend^{mts} they proposed be added.

The Refolve of the house for five pds to Mr Cope Doyley Clk & y^e Refolve of the House for five pds to Mr Sam^l Eburne Clk assented to by the Councill.

Ordered that the Consideration of the Councills return upon the byll entituled *an Act for the maintenance & support of Ministers* be referred till the afternoone.

And then the house adjourned till 2 a Clock afternoone.

Post Meridiem

The house according to the Order of y^e Morning takeing into Consideracon the returne of the Councill upon the byll entituled *an act for the maintenance & Support of Ministers* disagreed to the addition proposed by y^e Councill & adhered to the byll with such amendments only as in their written message to the Councill yesterday were signified to their Hon^{rs}

Ordered that the Clk of the house prepare a byll for the publick Levy & present to the house tomorrow morning.

And then the house adjourn'd till tomorrow morning Seven a Clock.

Saturday May y^e 18th 1695.

A MESSAGE from the Councill by Mr Sherlock in writing.

By the Councill

Mr Speaker & Gentlemen of the House of Burgeses.

To your Message for paying the Rangers, now raised, Wee do answer that wee have already Concurred wth the house for raising the Rangers one twelve moneths pay, but do not agree that the remaining Six moneths pay for the Rangers be left to the next Assembly but that pay for the 1st Six moneths be now ascertained, according to our Last proposals.

By order of y^e Councill

James Sherlock Clk Gen^l Aff^{ly}

May 18th 1695

A message to the Councill in Writing

May it please yo^r Hon^{rs}

Vpon Consideracon of yo^r hon^{rs} message dated yesterday proposing that 6 moneths pay to the Rangers be ascertained out of y^e 4^d & g^{all}^a the house of Burgesies do not agree, that it be done this Assembly, but that if that pay must be Levied this Session, that it be done by a Levy on the poll to be paid in the year 1696 to which they humble desire

desire yo^r hon^{rs} answer with all convenient expedition to the end the Committee of Propositions may proceed to the proportioning a Levy accordingly.

Ordered that M^r Custis M^r Spence & M^r Armistead forthwith withdraw & carry the 1^d Message to the Council.

A message from the Council by M^r Sherlock in Writeing.

By the Council

M^r Speaker & Gentlemen of the house of Burgeffes

In answer to yo^r Message of this day concerning the last half yeares pay for the Rangers, wee agree that it be not alygned them now.

By Order of the Council

James Sherlock Clk Gen^l Ass^{ts}

May 18 1695

A byll for Raifeing a Publick Levy read y^e 1st time.

Resolved that the 1^d Byll be read a 2^d time.

And then the house adjourned till 11 a Clock.

The house met, & M^r Randolph Reported from the Committee for Proportioning the Publick Levy that the 1^d Committee had according to Order proportioned the Same, which amounted to twenty two pounds of tob^o & $\frac{3}{4}$ to be p^d by every titheable person in this Country & that there remains due unto Peter Beverley Clk of the house the Sum of four hundred forty & four pds of tob^o

And the said Proportions being Read the Same were agreed to by y^e house.

Ordered That Peter Beverley be allowed the next Assembly four hundred forty & four pds of tob^o, for So much paid him short this Session.

Ordered that Miles Sherman be paid the next Ass^{ts} five hund^d & forty pds of Tob^o for so much omitted to be allowed him this.

Ordered that M^r Crafford M^r Batts & M^r Jenkins carry the book of Proportions to the Council for their Concurrence.

A byll for Raifing a Publick levy read the 2^d time.

And after a blank was filled up therein & read twice.

Ordered that the 1^d byll be read a 3^d time.

And then the house adjourn'd till 8 a Clock.

The house met.

A Message from the Council in Writeing by M^r Sherlock.

By the Council

M^r Speaker & Gentlemen of the House of Burgeffes

In answer to your last Message concerning the Revifall of the Laws wee are of Opinion that seven is a sufficient number of which three to be of the Council, & 4 of the other Gentlemen of the Country which four we propose to be Chosen by y^e Council out of 8 to be named by y^e house, & that any 3 of the said Seven whereof one of the Council to be alwaies one be a Quorum & meet at James City

That the persons named on the 1^d Revifall shall have 15 shil. $\frac{1}{2}$ day every day they shall necessarily be from home on the 1^d Revifall in considera^on of their Charges &c & that the Clk be Chosen by y^e Revifers, & have for his 1^d Allowance 20 Shill. $\frac{1}{2}$ day & that if any other p^{son} be called by them to advise or assist on any matter on the 1^d Revifall they be allowed for their charges as the Revifers.

By Order of the Council

James Sherlock Clk Gen^l Ass^{ts}

May 18 1695

Resolved That the house do not agree to the Propositions of y^e Council in the aboue message.

A Message from the Council in Writeing by M^r Sherlock.

By the Council

M^r Speaker & Gentlemen of the house of Burgeffes

Wee have considered your three Severall addreffes to their Ma^{ties} & are of Opinion that the materiall heads may be Couched in one addres with a memoriall of each particular

particular Grievance have therefore returned you them that the Same be so effectually done, that wee may be able to joyne with you in hopes of their M^{as} gracious acceptance.

By Order of the Councill

James Sherlock Clk Gen^l Aff^{br}

May 18 1695

Resolved that the house doe not agree to the propositions of the Councill in the above message.

An Engroffed byll intituled *an Act for Raifeing a Publick Levy* read the 3^d time & passed the house.

Ordered that M^r *Cuftis* M^r *Story* & M^r *Kennor* carry the said byll to the Councill for their Concurrence.

And then the house adjourn'd till 2 a clock afternoone.

Post Meridiem

The book of Proportions for the publick levy returned from the Councill assented to.

The Bill for Raifeing a publick levy returned from the Councill assented to.

A Verball Message from the Councill by M^r *Sherlock*

M^r *Speaker*.

Cap^t *Cuftis* this morning having informed the Councill that this house had nothing before them.

The Councill doe desire, an answer to their two written Messages. of this morning concerning the Revifalls of the Laws & ab^t the Sever^l Addreffes to their Ma^{ties}.

A Message to the Councill in Writeing,

May it please yo^r Hon^{rs}

The house having taken under Consideraçon yo^r hon^{rs} answer to their Message, concerning the Revifall of the Laws & yo^r hon^{rs} Message of this Morning upon the Severall Addreffes to their Ma^{ties} Sent from the house for your hon^{rs} Joyning wth them therein.

In answer.

Doe humbly Signify to yo^r Hono^{rs} that they cannot agree to your hon^{rs} propofall contained in the f^d answer concerning the Revifall of the Lawes or the message about the f^d Addreffes.

Ordered that M^r *Armistead* M^r *Swann*, & M^r *Hayny* forthwith carry the f^d Message to the Councill.

Ordered that M^r *Leigh*, M^r *Cuftis*, M^r *Rascow*, M^r *Ransone*, M^r *Mason* M^r *Crafford* M^r *Carter*, M^r *Sherwood* M^r *Baffet* M^r *Diggs* M^r *Jenkins* & M^r *Randolph*, wait upon his Excellency & acquaint him that the house is ready to attend his Commands.

A Message from his Excellency by M^r *Sherlock*.

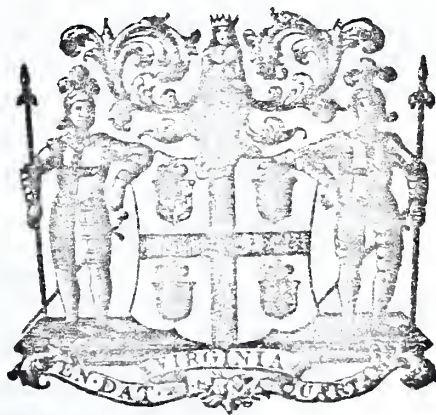
M^r *Speaker*

His Exc^y Commands this house to attend him imediately in the Generall Court-house to pas w^t bylls yet remaine.

And accordingly the house went downe to attend his Excellency.

43-44
JOURNALL
OF THE
HOUSE OF BURGESSES
AT A
GENERALL ASSEMBLY

Begun at *James City* the eighteenth day of *Aprill*,
one thousand Six hundred ninety and five, and
thence continued by two prorogations, to the
twenty-third day of *Aprill* in the eight year of the
Reign of our Sovereign Lord WILLIAM by the
Grace of God, King of *England, Scotland, sfrance*
and *Ireland* Defender of the ffaith &c and in the
year of our Lord, One thousand Six hundred
ninety and Six.



RICHMOND, VIRGINIA.

MCMXIII

JOURNALL

of the

HOUSE OF BURGESSES

Thursday Aprill the 23th 1696

THE House called over & Mr *Speaker* & twenty five Burgesses being met.
The Petition of *William Drew* & *Richard Powell* for the place of a doorkeeper in the room of *George Pinhorn* dec^d were Severally read, and *William Drew* thereupon admitted to a doorkeepers place & Ordered to give his attendance accordingly.

And then the house adjourned 'till tomorrow morning eight a clocke.

Fryday Aprill the 24th 1696

A COMMITTEE for Elections & Priviledges.
Mr *William Randolph* Chairman
Mr *William Leigh*. Mr *Joshua Story*.
Mr *William Sherwood*. Mr *Henry Jenkins*.

Mr *Miles Cary* is appointed Clerk to this Committee & Ordered to give his attendance accordingly.

Ordered, That the Clerk of the house deliver unto the Committee for Elections & priviledges, the Severall writs for Summoning of Burgesses, to meet the 31st of *October* laft which are returned to his hands & that the said Committee forthwith withdraw and take the returns upon the Same into consideration and make report of their proceedings & Opinions with all convenient expedition.

The House adjourned 'till three a clocke afternoone

Post Meridiem.

A Message to his Excellency by

Mr *Carter*, Mr *Leigh*, Mr *Kemp*, Mr *Sherwood*, Mr *Barbar*, Mr *Basset*, Mr *Jenkins*, Mr *Ranfone*, Mr *Soane*, Mr *Dudley*, Mr *Swanne* & Mr *Cooke*.

who are Ordered to wait upon his Excellency forthwith to acquaint him that the house is ready to receive his Excellencies Comands.

And they being returned, Mr *Carter* acquainted the house that his Excellency was pleased to answer, that about two or three houres hence, he would be in the Generall Court house to receive the house, & that in the mean time, he would appoint some of the Councill to adminifter the usuall oathes to the new elected Burgesses.

Mr *Randolph* Reported from the Committee of Elections & Priviledges that the said Committee had taken into consideration the returnes of Severall writs to them referred & thereupon agreed upon some resolutions which he read in his place & then delivered the same in at the table, where being again read, the house Resolved *viz.*

Resolved

Resolved. That Cap^t *Joseph ffofter* is duely elected a Burges to Serve in this asssembly for *New Kent County* in the room of *Daniell Parke Esq^r* now of the Councill.

Resolved, That M^r *Mathew Watts* is duely elected a Burges to Serve in this asssembly for *Eliz^a City County* in the room of Major *William Wilson* now out of the Country.

Resolved, That Cap^t *Richard Whitaker* is duely elected a Burges to Serve in this asssembly for *Warwick County* in the room of M^r *William Roscow* now Sherriff of the said County.

Resolved That Cap^t *Charles Goodrich* is duely elected a Burges to Serve in this asssembly for *Charles City County* in the room of Cap^t *Henry Batts* now out of the Country.

Ordered, That M^r *Randolph*, M^r *Diggs*, M^r *Story* & M^r *Chamberlain* at some convenient time wait upon his Excellency and pray his Excellency to issue out a new writ for the election of a Burges in *Norfolk County* in the room of M^r *William Robinson* dec^d & a new writ for the election of a Burges in *Isle of Wight County* in the room of M^r *John Goodrich* dec^d and a new writ for the election of a Burges in *Stafford County* in the room of M^r *Martin Scarlet*, who Since the election made of him in the room of Cap^t *Thomas Owfley* now Sherriff of the said County of *Stafford* is dec^d

Ordered, That the Report of the Committee of Elections & Priviledges concerning the issueing of writs for Sumoning of Burgeses to prorogued or adjourned asssemblies be referred to the further consideration of the house.

The Certificate of *Joseph ffofter's Mathew Watt's Charles Goodrich's & Richard Whitaker* new elected Burgeses haveing taken the oathes appointed by act of Parliam^t to be taken instead of the oathes of allegiance & Supremacy & the oath of a Burges before *Christopher Wormely Daniell Park & Charles Scarburgh Esq^{rs}* three of the Council! & Com^y authorifed by his Excellency & under the Seal of the Colony for that purpose, was read and laid upon the table.

A message from his Excellency by M^r *Sherlocke*.

M^r *Speaker*.

His Excellency commands this house to attend him immediately in the Generall Court house, & accordingly the house went to attend his Excellency, who was pleased to make a speech.

And being returned, M^r *Speaker* according to the best of his remembrance acquainted the house with the Subject matter of his Excellencies Speech, & M^r *Leigh* M^r *Sherwood* M^r *Basset* M^r *ffoster* & Cap^t *Goodrich* were Ordered to wait upon his Exc^y at some convenient time in the Evening in the name of the house to address his Exc^y for a copy of his Speech.

And then the house adjourned 'till eight a clock to morrow morning.

Saturday Aprill the 25th 1696.

THE house was called over and the absence of those persons that did not appear, for this time excused & the House Ordered to be called over again *Monday* morning next ten a clock.

The house being informed by M^r *Carter*, that M^r *George Heal* a Burges for *Lancaster* is Sick & cannot attend the service of the house.

Ordered That the said *George Heal* be excused from giving his attendance, untill his better health make him capable of attending.

The house being informed that M^r *Poynes Weldon* a Burges for *James City County* is extream ill of the belly ach & that his family at this time is visited with the Smallpox.

Ordered That the absence of the said *Poynes Weldon* be excused and that M^r *Speaker* be desired to write to him to forbear giving his attendance during this Session of assembly.

M^r *Leigh* from the persons appointed to address his Excellency for a copy of his Speech Reported, That they had accordingly addressd his Exc^y who was pleased to say, that a copy of his Speech should be sent to the house this morning.

M^r

M^r *Randolph* from the persons appointed to pray his Exc^y to issue out new writs for the election of Burgeffes to Supply Severall Vacancies Reported, that they had accordingly addrest his Exc^y who was pleased to say, he would take due care therein.

The Orders of the house for the Last Session of assembly being Read,

Ordered, That they be continued Orders for this Session & that they lye upon the table for the perusal of the members of the house, when they shall see occasion.

Upon the motion of Cap^t *W^m Randolph* for Leave to go to his house in the Country after the rising of the house this morning.

Leave was given accordingly

and It is *Ordered*, That he give his attendance in the house again on *Munday* next.

Resolved and accordingly *Ordered*,

That it be a Rule of this house that fifteen members with the Speaker, shall be a Sufficient number to adjourne.

Ordered, That the house be called over every *Munday* morning dureing this Session & at all such other times as shall be thought convenient & that whatsoever Member shall be then absent shall be liable to the censure of the house.

A Copy of his Excellencies Speech being by M^r *Secretary* sent to the house, was read at the table as followeth.

Gentlemen.

I do not doubt all here, being very Sensible of Gods continued blessings, to his Majesty & tranquility of this his Dominion.

I have nothing new, or other to say, or offer to you, then at our last meeting, when his Maj^{ty} Comands, & all else necessary was recommended to you, Since which the Governor of *New Yorke*, has demanded the Quota of assistance, comanded by his Majesty.

But I must again recomend to you Gentlemen of the house of Burgeffes, the present & effectuall consideration of what is yet wanting, so recommended before or is necessary for his Majesties Service & continued welfare Safety and Honor of this his Dominion, & due regard to the Church & Colledge.

And hope all heartily joining in our duty to God Almighty for his blessings, as by a late proclamation in this his Majesties Colony & Dominion.

James City Aprill 24th 1696.

A Copy of his Excellencies Speech to the assembly

R. Wormeley Secr.

Resolved That the house will Resolve into a Committee of the whole house on *Munday* morning next to take under consideration his Excellencies Speech made to this Session of assembly.

A Committee of Publick Claymes.

M^r *William Randolph* Chairman.

M^r *William Basset.*

M^r *Joseph Foster.*

M^r *Dudley Digges.*

M^r *Joshua Story.*

M^r *Tho: Chamberlain.*

M^r *Richard Whitaker.*

M^r *Miles Cary* appointed Clerk to this Committee & *Ordered* that he give his attendance accordingly.

A Committee for Propositions & Grievances.

M^r *Robert Carter* Chairman.

M^r *William Leigh.*

M^r *William Sherwood.*

M^r *Mathew Kemp.*

M^r *Anthony Armistead.*

M^r *Arthur Spicer.*

M^r *Thomas Barbar.*

M^r *James Ransone.*

M^r *Henry Jenkins.*

M^r *Benjamin Harrison* appointed Clerk of this Committee & *Ordered* to give his attendance accordingly.

Ordered That the Committee of Grievances & Propositions and the Committee for Publick Claimes have leave to chuse a place to sit in & that on *Munday* next farthest, the
Chairman

Chairman of each Committee give notice in the house, of the place his Committee shall make choyce of to sit in.

Ordered That the said Committees have power to adjourn themselves *de die in diem* & to send for persons records journalls or other papers they shall from time to time have occasion of.

Resolved & accordingly *Ordered*,

That all propositions Grievances & Publick Claimes be brought into the house *Thursday* night next at latest or not received into this Session of assembly.

Ordered, That the Clerk of the house publish the latest time set by the house for receiveing propositions Grievances & publick Claimes during this Session by Setting up a fair copy of the Resolve of the house made in that behalf at the State house door.

Ordered, That the Committee of Grievances & Propositions take into their consideration the journall and all other the proceedings of the Last Session of assembly, relating to & proper to be referred to the said Committee, & make report from the same of what they find necessary to the house.

Ordered That the Committee of Publick Claimes take into their consideration the book of Reports of the said Committee made last Session & from thence make report of what they find necessary to the house.

And then the house adjourned 'till *Munday* Morning ten a clock.

Munday Aprill the 27th 1696

THE house according to Order was called over, and the absence of those that did not appear excused.

Upon Information from a Member of the house, that M^r *Tho. Swann* prays the leave of the house to attend the funerall of his brother's wife.

Ordered That Leave be accordingly given him & his attendance upon the house excused, 'till the meeting of the house on *Wednesday* morning next.

Upon Intimation of M^r *Carter* Chairman of the Committee of Grievances & propositions.

It is *Ordered* That the said Committee sit at the house of M^r *W^m Sherwood* & that the same be published by setting up a copy of this Order at the State house door.

Then according to the Order of *Saturday* the house Resolved into a Committee of the whole house to take into consideration his Excellencies speech to this Session of assembly & M^r *Leigh* took the chair, wherein having spent some time, M^r *Speaker* resumed the Chair & M^r *Leigh* Reported, that in the matter to them referred, the said Committee had made some progres & agreed upon some resolutions, which he read in his place & then delivered them in at the table where being again read, the same were agreed to by the house, & upon the motion of the Chairman, that the said Committee might sit again to take under consideration the remaining parts of his Excellencies Speech

Resolved That the house will Resolve into a Committee of the whole house on *Wednesday* morning next to take under further consideration his Excellencies Speech to this Session of assembly.

Resolved That an addres be prepared to give his Excellency the thanks of this house for the great care he hath been pleased to take in the appointing a day of thanksgiving for the blessings of Almighty God to his Majesty & the continued tranquility of this Dominion.

Resolved That an addres be prepared to his Excellency, laying down the great Inconveniences & dangers, which may insue upon the assemblies continuing long together at this Season by means of a contagious distemper now round the place & to pray his Excellency, that for this reason & Severall others to be laid before his Exc^y in the said addres he will be pleased to grant a recess to the house for some time.

Ordered That the preparing an addres to his Excellency to give him thanks for his
care

care in appointing a thanksgiving day & for Leave to adjourn the house for some time be referred to the Committee of Grievances & propositions & that they make report thereof to morrow morning.

Ordered That the Clerk of the house attend the said Committee in preparing the said addressees.

Upon Inclination of M^r *Baffet* in the room of M^r *Randolph* Chairman of the Committee of Publick Claimes, It is *Ordered* that the said Committee sit at the house of M^r *John Broadnax* & that the same be published by setting up a copy of this Order at the State house door.

And then the house adjourned 'till four a clocke afternoone.

Post Meridiem.

The house met & adjourned 'till tomorrow morning Seven a clock.

Tuesday Aprill the 28th 1696.

THE house called over,

M^r *Carter* from the Committee of Grievances & Propositions Reported that the s^d Committee had according to the Order of the house prepared an addresse to give his Excellency thanks, for his care in appointing a day of thanksgiving & to pray his Exc^y for a recess at this time which he read in his place & then delivered it in at the table where being again read as followeth,

To his Excellency S^r Edmund Andros Kn^t His Maj^{ty} Lieut^t and Governor Generall of Virginia.

The humble addresse of the House of Burgeesses.

May it please your Excellency

We his Maj^{ty}s most Dutifull & Loyall Subjects the Burgeesses now assembled at *James City* in his Maj^{ty}s most ancient Colony & Dominion of *Virginia*, haveing by your Excellencies great care to preserve the Inhabitants of this Government in their duty to Almighty God on all occasions had the Opportunity on a day Set apart for a day of thanksgiving at this place, to join with yo^r Excell^y & the hono^{ble} Councill in the hearty commemoration & praises of Almighty God for his blessings from time to time continued to his most Sacred Majesty in the wonderfull preservation of his person & Success of his armes & also for his great & undeserved mercies in a more Singular manner vouchsafed the Inhabitants here by an undisturbed peace & tranquility dureing these times of war & danger, esteem ourselves obliged both in behalf of our Selves & all other his Majesties duetifull & good Subjects, which we represent to render unto your Excellency our true & humble thanks for yo^r Excellencies particular & pious care of the continuance of the Almightyes Grace & favour towards this Dominion, in the appointing a day of thanksgiving, as by your Excellency's proclamaçon lately issued & intimated in yo^r Excellencies Speech, to this assembly on *friday* the 24th instant.

Into the consideration of which Speech.

May it please your Excellency.

Haveing entred yesterday morning in a Committee of the whole house we had laid before us the many & great Inconveniencies & dangers which may generally insue to the Inhabitants of this Dominion, by our being long together at this Season, in regard that the Small pox, a contagious distemper at this time in a great measure rages among the Inhabitants round this place, which being a distemper apt to spread, in an extraordinary manner at this season of the year & known to be very fatall to the people of this Country & from the dayly & unavoidable recourse of Inhabitants near this place, whose families are Visited with it, we cannot but apprehend, that our tarrying together now, untill a due & mature consideration of the affaires in hand can be had, will create a dangerous if not a dreadfull consequence, unles the Infinite mercy of Almighty God prevent,

prevent, it & therefore in regard many members are not yet come to this meeting, whose feares occasion their abſence, and that as the preſent circumſtances ſtand, this diſtemper may probably interrupt our proceedings ſo ſuddenly, that no matters can be brought to a perfection, by diſabling many of us that are here, from giving our attendance or being any way Serviceable in our Stations, & if it ſhould not ſo happen, may poſſibly be carried home with us to our reſpective families & ſo ſpread thorough all the parts of this Dominion, We are humbly of Opinion, that a Receſs is convenient at this time. Upon all which, in tender care of the good & welfare of the whole body of his Maj^{ty} Leige people, diſperſed thoroughout all the parts of this his Maj^{ty} Dominion, we have preſumed to lay before your Excellency, theſe our conſiderations & thus early in this Seſſion to become humble Suitors for the grant of ſuch a receſs, as to yo^r Excellency in yo^r great wiſdom ſhall ſeem convenient.

The Same was agreed to by the houſe.

Reſolved That the addreſſes prepared to give his Exc^y thanks for his care in appointing a day of thankſgiving & for praying his Excellency to grant a receſs at this time be by Mr *Speaker* attended with the whole houſe of Burgeſſes preſented to his Excellency.

Ordered, That Mr *Sherwood*, Mr *Jenkins*, Mr *Soane*, Mr *Ranfome* Mr *Thompson* & Mr *Dudley* forthwith withdraw & acquaint his Excellency, that the houſe have a deſire to wait upon him with an addreſs which they pray he will pleaſe to admit of & Signify the time he will receive it.

And they being returned, Mr *Sherwood* acquainted the houſe that his Exc^y was pleaſed to appoint three a clock this afternoon for the attendance of this houſe upon him in the great Hall.

And then the houſe adjourned 'till two a clock afternoone.

Poſt Meridiem

The houſe met and the addreſs to his Excellency agreed to this morning being fairly engroſſed, read by the Clerk & Signed by Mr *Speaker*.

The houſe according to his Excellencies meſſage by Mr *Sherwood*, went to wait upon his Excellency in the great Hall

And being returned, Mr *Speaker* acquainted the houſe that upon his delivery of the addreſs of the houſe

His Excellency was pleaſed, to ſay to this effect

That he never thought himſelf better, then when he had the Council & houſe of Burgeſſes about him, to aſſiſt in conſulting for the good of the Country, that he was Sorry for this intervening but did not doubt but that what neceſſary would be done & that he would adviſe with the Council what to do on this occaſion

The houſe adjourned 'till tomorrow morning Seven a clocke.

Wednesday April the 29th 1696

A WRITTEN meſſage brought into the houſe from his Excellencie & delivered at the table by Mr *Sherlock*, was read as followeth

By his Excellency.

Mr Speaker & Gentlemen of the Houſe of Burgeſſes.

I have communicated to the Council your addreſſes of yeſterday for a receſs, by reaſon of your great apprehenſions of the ſmall pox, in ſome parts of the Country.

To which, I have only to remind you of my Speech at opening this Seſſion & offer to your conſideration if all well, and nothing materiall to be now diſpatched.

How

How practicable Such a recess is upon a second prorogation I shall Leave to you, and would not be wanting in what I ought, with due regard to your address accordingly.

E. Andros.

Aprill the 29th 1696

And after some consideration of the said answer in the house.

Ordered That the Committee of Grievances & Propositions wth Mr *Randolph* & Mr *Basset* added to them, withdraw & take into their immediate consideration his Excellencies answer to the address of this house of yesterday for a recess at this time & prepare a Replication & Report the Same to the house with all convenient expedition.

Whereupon the said Committee having withdrawn sometime & returned again Mr *Carter* Reported, That according to Order, they had prepared a Replication to his Excellencies answer of this morning, which he read in his place & then delivered it in at the table, where being read as followeth.

May it please your Excellency

His Majesties Dutifull and Loyall Subjects the House of Burgeesses having this day received your Excellencies answer to their humble address yesterday for a recess tooke the same into their Immediate consideration, and being filled with the apprehensions of exceeding danger to themselves & the whole Country in their being now so nearly Surrounded with the small pox, as they yesterday laid before your Excellency, they humbly beg leave to reply to your Excellency, that they entred upon consideration of yo^r Excellencies Speech with full Intentions to have maturely weighed & considered every part & that now humbly conceiving that paragraph thereof, w^{ch} gives relation of the Governor of *New Yorks* demand of the Quota of assistance commanded by his Majesty, since the Last Session, may more require a present consideration, then any other matter now before this assembly, they have upon yo^r Excellencies message this day (altho under this danger) revised & seriously considered their Severall proceedings the Last Session about that affair & upon mature deliberation of the circumstances of this Country both then & at this time they are of Opinion, that this Country is utterly incapable of yielding more towards the assistance of *New Yorke*. And upon a Second consideration do beg Leave to lay before your Excellency how far the transporting of men from hence may be inconvenient & of evill consequence in regard they apprehend Such a proceeding will not only weaken the defence of this his Majesties Dominion by takeing away so many men, but is very likely to be a meanes of Scaring most of our young freemen from among us, if not many from their wives & Children.

And the House of Burgeesses do further Say, that considering the danger of the present time, they are of Opinion, that all other the affaires which have been offered, or would have come under the consultation of this Session may be Submitted to a further time, and that a recess upon a second prorogation is not impracticable, but upon this occasion reasonable & proper.

And therefore they again humbly move, that yo^r Excell^y will be pleased to grant a recess, as to your Excellencies wisdom shall seem most convenient.

The same was agreed to by the house, and the Committee that prepared it, *Ordered* forthwith to wait upon his Excellency therewith.

Ordered That those parts of his Excellencies Speech, which the house on *Munday* last Resolved to take under consideration in a Committee of the whole house this morning, be referred to be considered another time, when the house shall think fit.

And then the house adjourned 'till four a clock afternoone.

Post Meridiem

Mr *Carter* from the persons appointed to present the Reply of the house to his Excellencies answer to the address for a recess Reported, that according to order they had delivered the said Reply to his Excellency, who was pleased to answer that he would Immediately consult with the Council.

The house adjourned 'till tomorrow morning Seven a clock.

Thursday

Thursday Aprill the 30th 1696.

THE house met and called over.
And adjourned 'till two a clock afternoone.

Post Meridiem.

A written meffage from his Excellency being brought into the house
M^r *Sherlocke* & delivered at the table was read as followeth—

By his Excellency.

M^r *Speaker* & *Gentlemen of the House of Burgeffes.*

His Excellency yesterdai laid before the Councill yo^r reply to an answer upon
your addres, who are of Opinion, his Majesties Subjects here are Satisfied that the
King may direct assistance to other Provinces for their defence against any forreign
Invasions, & that none of his Majesties good Subjects will desert upon apprehension
of being called to the defence of Such his Dominions which I cannot doubt from the
house of Burgeffes of this his Maj^{ty} most ancient & Loyall Colony and Dominion and
(then) being Satisfied, that a Recess upon a second prorogation is not impracticable
& nothing offered necessary to be dispatched at this time, his Exc^y is ready to grant
a present Reces

By his Excellencies Command

James Sherlock Cl Gen At^{mbl}

Dated y^e 30: of *Aprill* 1696.

Resolved, That the house forthwith Resolve into a Committee of the whole house
to take under consideration his Excellencies meffage in writeing of this day.

And accordingly the House Resolved into a Committee of the whole house, and
M^r *Randolph* tooke the Chair, & therein haveing spent Some time, M^r *Speaker* resumed
the Chair & M^r *Randolph* Reported the Resolution of the Committee of the whole
house, which being read afterwards by the Clerk at the table, was agreed to by the
house

And an answer to his Excellency thereupon prepared and read as followeth.
May it please your Excellency.

We his Majesties most Dutifull & Loyall Subjects the Burgeffes now assembled,
haveing this day received a meffage in writeing from your Excellency, under the same
circumstances of present danger by means of the Small pox So near us, beg Leave to
declare, that haveing the dutifull & Loyall Inclinations of good Subjects we shall be
ever ready to manifest our chearfull obedience to his Maj^{ty} Commands, & as Representa-
tives have a due regard on all occasions to do his Majesty, the best Service we are able
in the provision & preservation of the Peace Safety & Security of this his Ancient
Colony and Dominion, and in all things which do or may concern his Majesties Interest,
we shall be ready at all times to act & perform our duties according to the best of our
abilities,

And there being such a pressing necessity for a Recess at this time, we cannot but
repeat our former humble addres to your Excellency for a grant of the same.

The Same was approved of by the house & being fairly transcribed

M^r *Randolph*, M^r *Sherwood*, M^r *Chamberlaine* M^r *Spence*, M^r *Moseley* & M^r *Craford*
were Ordered forthwith to carry the same to his Excellency. to whom, M^r *Randolph*
&c being Returned, acquainted the house that they had delivered it.

The House being informed by a Member of the house, that M^r *Mordecaj Cooke*,
being very ill at his Chamber, desires the Leave of the house to remove himself into
the Country.

Leave was given accordingly.

And then the house adjourned 'till tomorrow morning Seven a clocke.

Fryday

Fryday May the 1st 1696.

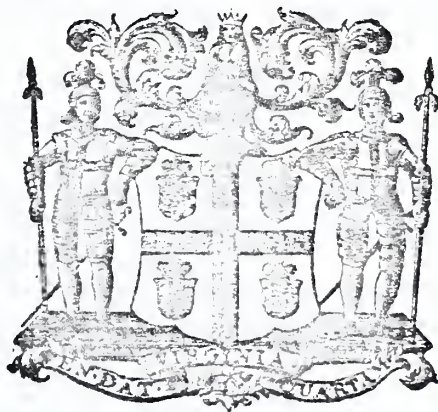
A MESSAGE from his Excellency by M^r *Sherlocke*
M^r *Speaker.*

His Excellency commands this house to attend him Immediately in the great Hall.

And accordingly the House went to attend his Excellency.

JOURNALL
OF THE
HOUSE OF BURGESSES
AT A
GENERALL ASSEMBLY

Begun at *James City* the Twenty-fourth day of
September in the Eighth Year of the Reign of Our
Sovereign Lord WILLIAM the third by the Grace of
God of *England, Scotland, ffrance and Ireland* King
Defender of the ffaith &c Annoq₃ Domini 1696.



RICHMOND, VIRGINIA.

MCMXIII.

JOURNALL

of the

HOUSE OF BURGESSES

Thursday September y^e 24th 1696

DIVERSE Burgefes to the number of Twenty Seven haveing taken the Oathes appointed by Act of Parliament to be taken in Stead of the Oathes of Allegiance and Supremacy, the Test & the oath of a Burgefes which were administred to them by *William Byrd Christopher Wormeley & Daniell Parke Esq^r* three of his Majesties Councill Commiffionated by his Excellency the Govern^r for that purpose mett in the Burgefes Chamber & adjourned to meet againe at four a Clock in the afternoone.

Post Meridiem

M^r Carter, M^r Digges, M^r Byrd, M^r Leigh, M^r Sherman, M^r Bassett, M^r Spence, M^r Whitaker, M^r Traverse & M^r Mason were desired forthwith to withdraw & they accordingly withdrew to acquaint his Excell^{cy} that the Burgefes were met & waited his Excellencies Commands.

And being returned, M^r Carter acquainted the house that his Excell^{cy} was pleased to Say he would fend to the house presently.

A message from his Excellency by M^r Robert Beverley.

His Excellency Comands the immediate attendance of this house upon him in the Generall Court house.

And accordingly the house went to attend his Excellency in the Generall Court house where his Excellency was pleased to say.

Gentlemen.

I am very glad to see so full an appearance the first day of the Assembly, do hope good success from it & therefore to delay no time, You *Gentlemen* are to returne to your house & make choice of a Speaker.

Whereupon the house returned, and it being late in y^e afternoon

Adjourned 'till to morrow morneing nine a clocke.

Fryday September y^e 25th 1696

THE house met & proceeded to the choice of a Speaker & after the nomination of five severall persons they Elected M^r Robert Carter for their Speaker, and placed him in the Chair after which he arising made a Speech to disabie himselfe but being generally approved, he assured the house of his uttmofst Endeavours, ability & integrity in the discharge of that weighty trust the house had honoured him withall

Then M^r Harrifon, M^r Leigh, M^r Custis, M^r Randolph, M^r Sherwood M^r Bassett, M^r Byrd, M^r Taylor, M^r Duke & M^r Digges were desired to acquaint his Excellency that

that the house had made Choice of a Speaker, & to pray his Excell^y to assigne a time when the house Shall present him

And they being returned M^r *Harrison* acquainted the house that his Excellency was pleased to say, he would send an answer by a messenger of their own.

A message from his Excell^y by M^r *Sherlock*.

His Excellency Commands this house Immediately to attend him in the Generall Courthouse.

Whereupon M^r *Speaker* moved the house for Leave to disable himselfe before his Excellency the Governor, and after a repeated approbation, had liberty to make use of what method he thought most fit to apply himselfe to his Excellency.

And then the house according to his Excellencies Message, went to attend his Excellency in the Generall Courthouse.

And being returned M^r *Speaker* Acquainted the house that he having humbly represented to his Excell^y that the house of Burgeses had been pleased to make choice of him for their Speaker

His Excellency was pleased to approve their choyce & that upon his moving his Excellency for the Ancient & customary priviledges of the house, his Excellency was pleased to say, all those priviledges, which have been, or should have been Granted to the house of Burgeses, I do freely Grant to this Assembly.

M^r *Leigh* M^r *Byrd*, M^r *Randolph*, & M^r *Bassett* are desired to waite upon his Excellency at some convenient time and in the name of the house to address his Excellency for a copy of his Speech

His Excellencies Commission to *Peter Beverley* to be Clerke of the house of Burgeses & the Certificate of *William Byrd* & *Christopher Wormeley* Esq^{rs} two of his Majesties Councill, that they had pursuant to the Governors Commission administered the Oaths enjoyned by act of Parliament in Stead of y^e Oathes of Allegiance & Supremacy, the Test & Oath of Clerke of the house of Burgeses, were respectively read & laid upon the table

A Committee for Elections & priviledges.

M^r *John Custis* Chairman

M^r *William Randolph*

M^r *William Bassett* & M^r *Benjamin Harrison*.

M^r *Miles Carey* upon his petition is appointed Clerke of this Committee And Ordered to give his attendance accordingly.

Ordered. That the Clerke of the house deliver to the Chairman of the Committee for Elections & Priviledges the Severall Writts for Burgeses w^{ch} are come to his hands & that the said Committee take into their Consideration the Severall Returnes thereupon & make report of their proceedings & Opinions therein with all Convenient Expedition

The petition of *Richard Morris* *John White* & *William Drew* for a Door keepers place, were Respectively read & they accordingly admitted. And Ordered to give their attendance.

The Petition of *John Remington* & *John Hix* to be admitted to a door keepers place, were severally read, And there being but One door keepers place Vacant, *John Rimmington* was admitted thereto. And Ordered to give his attendance accordingly.

The Orders of the last house of Burgeses were read & approved.

Ordered That they be continued Orders for this Assembly and lye Constantly upon the Clerkes Table for perusal as there may be occasion

The house adjourned 'till to morrow morning nine a Clocke—

Saturday September the 26th 1696.

M^r *Leigh* reported that pursuant to the Commands of the House the persons appointed, had addressed his Excellency for a copy of his Speech, And that his Excellency was pleased to say that he had already taken care, & that Coll^o *Jenings* the Deputy Secretary had it & that it would be sent to the house.

Then

Then Mr *Speaker* acquainted the house that Coll^o *Jenings* had given a Copy of his Excellencies Speech to him which was read at the table as followeth
Gentlemen

I Do not doubt but you are Sencible of the great bleffings and Obligations We owe to God, & the King, for our Continued tranquility & Ease as in the times of greatest peace, and of his Majesties markes of favour lately received by supplies of Ammunition & Stores of Warre for great Gunns & our better defence, his acceptance of the five hundred pounds given by the late Assembly for assistance to *New Yorke* and Suspending the Quota of 240 men for that Service, Intimation of the happy discoverey of the late horrid Conspiracy against his Sacred person & therein all his Subjects & Protestant Religion, of the french preparations intended against some of his plantations that We should not be surpris'd, and assurance of such speedy assistance as the State of affaires at home shall permitt with perticular regard to Exigences here. I hope that the day appointed for thanksgiving & prayers to Almighty God hath been as Religiously as Solemnly observed in this Colony, & that none will be wanting in that Duty, & encouragement to the Clergy & Colledge, which & all else for the service of God gratefull acknowledgments to the King, and fit provisions to prevent surpris'e & securing the Ammunitions & Stores of Warr, on the frontiers Sea & Land for the better Defence Safety and Welfare of this his Majesties Ancient Colony and Dominion I now Recommend to your present considerations desiring your care therein in the best & most easy way by Continued dueties, or imposit on Liquors or otherwise, to be appropriated to such uses as you shall find necessary, And for Lessening the Levy by the poll, that by the blessing of God on your Endeavours, this Session may be suitable to your Writs, for the Glory of God, the Honor of his Majesty And Publick Weal of this Dominion.

September y^e 25th 1696.

A copy of his Excellencies Speech to the Assembly

E Jennings Dep^y Sec^y

Ordered that the copy of his Excellencies Speech be laid upon the Table.

Ordered that the house be called over every morneing & that such persons as do not appear be liable to the censure of the house.

The house was called over & being Informed that Mr *Thomas Edmundson* a Burgeses for *Effex* County was sick & could not attend the Service of the house. he was Excused from giving his attendance 'till his better health, & also the absence of all others that did not appear Excused for this time.

Mr *John Custis* from the Committee of Elections & Priviledges Reported that the said Committee had taken into Consideration the severall returnes of Elections committed to them & had thereupon agreed upon severall Resolutions, which he read in his place & then delivered them in at the Table where being againe read the house agreed thereto & thereupon Resolved *Viz*

Resolved That Mr *Robert Carter* & Mr *George Heal* are duely Elected & returned Burgeses to serve in this Assembly for *Lancaster* County.

Resolved. That *William Byrd* the younger Esq^r & Mr *William Randolph* are duely Elected & returned Burgeses to serve in this Assembly for *Henrico* County.

Resolved That Mr *William Sherwood* is duely Elected & returned a Burgeses to serve in this Assembly for *James City*.

Resolved. That Mr *Michael Sherman* & Mr *Henry Duke* are duely Elected & returned Burgeses to serve in this Assembly for *James City* County.

Resolved, That Mr *Benjamin Harrison* & Mr *John Thompson* are duely Elected & returned Burgeses to serve in this Assembly for *Surry* County.

Resolved, That Mr *William Leigh* & Mr *Joshua Storey* are duely Elected & Returned Burgeses to serve in this Assembly for *King* & *Queen* County.

Resolved, That Mr *Alexander Spence* & *Isaac Allerton* Esq^r are duely elected & returned Burgeses to serve in this Assembly for *Westmoreland* County.

Resolved

Resolved, That M^r *James Ranfome* & M^r *Mordecai Cooke* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Gloucester County*.

Resolved, That M^r *Matthew Kemp* & M^r *Robert Dudley* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Middlesex County*.

Resolved, That M^r *John Cuf^tis* & M^r *William Waters* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Northampton County*.

Resolved, That M^r *Alexander Newman* & M^r *Samuell Traverfe* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Richmond County*.

Resolved, That M^r *George Mafon* & M^r *John Withers* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Stafford County*.

Resolved, That M^r *John Braffieur* & M^r *Thomas Jordan* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Nanfimund County*.

Resolved, That Cap^t *James Benn* & M^r *John Gyles* are duely Elec^ted & returned Burgeffes for *Isle of Wight County*.

Resolved, That M^r *Henry Jenkins* & M^r *Thomas Ballard* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *York County*.

Resolved, That M^r *Anthony Armistead* & M^r *Willis Wilfon* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Elizabeth City County*.

Resolved, That Cap^t *William Bassett* & M^r *Gideon Macon* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *New Kent County*.

Resolved, That M^r *Dudley Digges* & M^r *Richard Whitaker* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Warwick County*.

Resolved, That M^r *John Battle* & M^r *Thomas Edmundfon* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Effex County*.

Resolved, That M^r *Richard Hayney* & M^r *Rodham Kennor* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Northumberland County*.

And upon reading the Report of the faid Co^mmittee touching the returne made upon the Writt for Elec^tion of Burgeffes in *Charles City County*, wherein the Sherriff of the faid County had returned M^r *Charles Goodrich* & M^r *John Taylor* to be Elec^ted.

The petition of M^r *Henry Batt* Complaineing of an undue Elec^tion and Returne of the faid *Charles Goodrich* as a Burgefs for the faid County was read & referred to the Con^fideration of the Co^mmittee for Elec^tions & Priviledges to report their opinions therein.

Resolved, That M^r *John Taylor* is duely Elec^ted & returned a Burgefs to ferve in this Affembly for *Charles City County*.

Resolved, That the returne upon the Writt for Elec^tion of Burgeffes in *Norfolk County* is an infufficient Returne and therefore

Ordered that the Sherriff of the faid County be fent for to amend his returne.

The houle being informed that the Sherriff of *Norfolk County* attended at the door, he was Called into the houle to amend his returne, and haveing amended his returne & withdrawn

Resolved, That M^r *Thomas Hodges* & M^r *Thomas Mafon* are duely Elec^ted & returned Burgeffes to ferve in this Affembly for *Norfolk County*.

Upon Con^fideration of the returne of the Sherriff of *James City County* made upon the Writt directed to him for Elec^tion of a Burgefs to ferve in this Affembly for the Colledge of *William & Mary* (in thefe words)

In obedience to the within Writt I fummoned the Prefident & Mafters or profeffors of *William & Mary Colledge* to meet at the Courthoufe in *James City* being the ufual place for Elec^tion of Burgeffes, and after proclamation & publication of the Writt no Ellectors appeareing do returne no Burgeffes for the faid Colledge

Resolved, That the Sherriff of *James City County* hath made a good returne upon the Writt for Elec^tion of a Burgefs to ferve in this Affembly for the Colledge of *William & Mary*.

Upon con^fideration of an Endorfement made upon the Writt for Elec^tion of Burgeffes

gesses in *Princes Anne* County certifying that *Mr Benoni Burroughs* & *Mr John Thorowgood* were duly Elected Burgeesses for the said County, inasmuch as the same is not subscribed by the Sherrieff.

Resolved, That the said endorsemment is not a returne. And

Ordered, That the Same be taken into further consideration upon *Tuesday* next.

Resolved. And accordingly *Ordered*.

That it be a standing Rule of this house that fiftene members with the Speaker shall be a sufficient number to adjourne.

The petition of *William Drummond* that the house would be pleased to recommend him to his Excellency for a Commission to attend the house of Burgeesses in the quality of a Messinger, was read, and.

Ordered, That the said petition be Rejected.

Ordered, That *Mr Taylor*, *Mr Jenkins*, & *Mr Mason* at some Convenient time waite upon his Excellency & pray his Excellency that he will be pleased to Commissionate a Messinger to attend the service of the house.

A Committee for Publick Claimes

Mr William Randolph Chairman

Mr Dudley Diggs

Mr Joshua Storey

Mr John Taylor

Mr Gideon Macon

Mr Henry Duke

Mr William Bassett

Mr William Waters

Mr Michael Sherman

Mr Miles Carey is appointed Clerke of this Committee, And

Ordered to Give his attendance accordingly.

A Committee of Propositions & Grievances

Isaac Allerton Esq Chairman

Mr John Custis

Mr Anthony Armistead

Mr William Leigh

Mr John Thompson

Mr William Byrd

Mr Matthew Kemp

Mr William Sherwood

Mr Henry Jenkins

Mr James Ransone

Mr John Washburne

Mr Benjamine Harrison

Resolved, That the Committee Clerks be Chosen by the house.

The Petition of *Dyonisius Wright* for a Committee Clerkes place, and also the petition of *Bartholomew Fowler* for the Same being read, upon the Question put

Resolved, That *Bartholomew fowler* be Clerke of the Committee of Grievances & propositions. And

Ordered, That he give his attendance accordingly.

Ordered that Leave be given to the Committee of Grievances and Propositions & to the Committee of Publick Claimes to make choyce of a place to sit in, and that the Chairman of each Committee give notice in the house on *Munday* next farthest of the place, his Committee shall make Choyce of to Sit in

Ordered. That the said Committees have power to adjourne themselves *de die in diem* & to send for persons, records Journalls or other papers they shall from time to time have Occasion of

Resolved. And accordingly *Ordered*. That all Propositions Grievances & publick Claimes be brought into the house on *Munday* Sennight at latest, being the 5th day of *October*, or not received into this Session of Assembly.

Ordered. That the Clerke of the house publish the latest time Set by the house for receiveing propositions, Grievances & Publick Claimes during this Session, by setting up a fair copy of the Resolve of the house made in that behalfe, at the State house Door.

Resolved, That the house will Resolve into a Committee of the whole house on *munday* next, to take into Consideration his Excellencies Speech made to this Assembly.

And then the house adjourned 'till *Munday* morning Ten a clocke.

Munday

Munday September the 28th 1696.

THE house Called over

Mr *John Custis* from the Committee of Elections & Priviledges Reported that the said Committee had taken into Consideraçon the returne upon the Writt for Election of Burgeffes in *Accomack* County & thereupon come to a Resolution, which he read in his place and then delivered it in at the Table, where being againe read the same was agreed to by the house. & thereupon

Resolved, That Mr *Richard Bayley* & Mr *John Washburn* are duely Eleçted & returned Burgeffes to serve in this Assembly for *Accomack* County.

Then according to Order of *Saturday* last the house *Resolved* into a Committee of the whole house to take into Consideration his Excellencies Speech & *Isaac Allerton* Esq^r tooke the Chair wherein haveing spent some time, Mr *Speaker* resumed the Chair, & Mr *Allerton* Reported that in the matter to them referred the said Committee had agreed upon two Resolutions which he read in his place & then delivered them in at the table, where being againe read, the house agreed thereunto. And thereupon.

Resolved, That an Addrefs be prepared to his Excellency to give his Excellency the thanks of this house, for his Speech to this Assembly, to pray his Excellency that he will be pleased to appoint a day of thanksgiving & prayers, to be kept by this Generall Assembly, for the Continued tranquility & Ease of this Countrey in these times of danger, to pray his Excell^{cy} that he will be pleased to communicate to the house an account of the Stores of Warre sent by his Majesty & other his Majesties Gracious Letters mentioned, in his Excellencies Speech for the better Enableing of this house to make a due Consideration & a suitable returne for his Majesties favour, and lastly to thank his Excellency for the Care he tooke in appointing the late thanksgiving day Solemnised for his Majesties preservation and therein the preservation of all his Subjects, & the Protestant Religion.

Ordered, That it be referred to the Committee of Grievances and Propositions to prepare an addrefs accordingly & to report the Same with all Convenient Expedition

Resolved and accordingly *Ordered*. That the Severall matters contained in his Excellencies Speech, not considered by the Committee of the whole house this day, be referred to the Consideration of the Committee of Grievances and Propositions to report their Opinions therein

Ordered, That the Committee of Elections & Priviledges have power to send for persons, Records & other papers which the said Committee, shall from time to time have Occasion of

Upon Intimation of Mr *William Randolph* Chairman of the Committee of Publick Claimes, It is *Ordered* that the said Committee sit at Mr *John Broadnax*' house, and that the same be published by setting up a copy of this Order at the State house door.

Upon Intimation of *Isaac Allerton* Esq^r Chairman of the Committee of Grievances & Propositions It is *Ordered* that the said Committee sit at Mr *William Sherwoods* house, And that the same be published by setting up a Copy of this Order at the State house Door.

Ordered, That the Respective Clerkes of the Committees be Sworne and that Mr *William Sherwood* One of his Majesties Justices of the peace for *James City* County be desired to administer the Oathes.

The Propositions and Grievances of *Westmorland* *Northumberland*, *Accomack*, *Nantzimund*, *Isle of Wight* & *Effex* Counties were severally read, and referred to the Committee of Grievances & Propositions to report their opinion therein

Ordered, That all such Publick Claimes, which were brought in Order to be Considered the last meeting of Assembly & left in the Clerkes Office be referred to the Committee of publick Claimes

Mr *Taylor* Reported that according to order the persons appointed had addrested his Excellency to Commissionate a messenger to attend the service of the house, and that his Excellency was pleased to say, he would take immediate care therein.

Ordered,

Ordered, That M^r *Speaker* be desired to move his Excell^{cy} in the name of the house, that he will permitt M^r *Cope Doyley* to read Divine Service during this Session of Assembly.

M^r *Cuttis* reported from the Committee of Elections & Priviledges to whome was referred, the consideration of the Election made in *Charles City County* of M^r *Charles Goodrich*, & also the petition of M^r *Henry Batt* Complaineing of the said Election how they found the said Election to be and also the said Committees Resolution thereupon, which he read in his place and then delivered it in at the table, where being againe read, the same was agreed to by the house.

Resolved, That M^r *Charles Goodrich* is duely Elected & returned a Burgefs to serve in this Assembly for *Charles City County*.

Ordered, That M^r *Henry Batt* & M^r *Charles Goodrich* be acquainted with the Resolution of the house upon the Report of the Committee of Elections & Priviledges touching the Election of a Burgefs in *Charles City County*.

And the house being informed that they attended at the Door they were called into the house, & being informed of the Resolution of the house, M^r *Batts* was Ordered to withdraw & M^r *Goodrich* to take his place in the house.

And then the house adjourned 'till ten a Clock to morrow morning.

Tuesday September the 29th 1696.

THE house called over & being informed that M^r *Cooke* was ill at his Chamber, his absence was Excused.

Ordered, That the Consideration of the Endorsement upon the Writt for Election of Burgeffes in *Princes Anne County* be put off 'till *Thursday next*

Coll^o *Allerton* from the Committee of Grievances & Propositions to whome was referred the preparing of an address to his Excell^{cy} to thank him for his Speech & Reported that the said Committee had accordingly prepared an address, which he read in his place & then delivered it in at the table. where being againe read as followeth.

To his Excellency S^r Edmund Andros Kn^t his Majesties Liev^t & Governo^r Generall of Virginia The humble Address of the house of Burgeffes.

May it Please yo^r Excellency.

We his Majesties Loyall & Dutyfull Subjects the Burgeffes now Assembled in *James City* in his Majesties most Ancient Colony & Dominion of *Virginia* returne our most humble and unfeigned Thanks for the favour of yo^r Excellencies Speech at the opening of this Assembly, And therein yo^r Excellency haveing been pleased to represent unto us the great blessings of God in the continued tranquility & peace of this Dominion even in these times of Warr & danger, & the signall tokens & markes of his Majesties favour by a most perticular regard to the defence, security & Ease of his Subjects here, in the transmitting Supplies of Ammunition & Stores of Warre, in suspending the Quota of men Commanded for the Aid of *New Yorke*, in Intimateing the happy discovery of the late horrid Conspiracy against his Sacred person, & the french preparations intended against some of his plantations, and in his most Gracious assurance of assistance according to the state of affaires at home, & our Exigences, as We heartily Concurr with your Excellency in the true sense of such Extraordinary mercies & obligations, so we take it to be a Duety incumbent upon us, now we are together not to flip the opportunity of Giveing due praises to God & of makeing suitable returns to the King, and to the end the first may be performed in the best & most solemn manner, We become humble suitors that your Excellency will be pleased to appoint a day of thanksgiving & prayers to be kept by this Generall Assembly, &
that

that for the better Enabling of us in our Considerations about gratefull & acceptable acknowledgments to his Majesty, Your Excellency will be further pleased to Communicate to this house an account of the Stores of Warr, & the severall Gracious & Royall Significations or Letters hinted in your Excellencies Speech, And inasmuch as there hath been lately solemnized in this his Majesties Dominion a day of thanksgiving & prayers to Almighty God, for his Majesties preservation from an horrible & Detestable conspiracy of Papiests & other Traiterous persons against his Sacred person and in that against all his Loyall Subjects & the Protestant Religion, for the appointment of which, the Country stands obliged to your Excellency. We hope the same was Religiously observed by all persons according to your Excellencies good intentions, & esteem ourselves bound in their behalves to thank your Excellency for your pious Care on that Occasion—

The same was agreed to by the house and Ordered to be fairly Engrossed in Order to be sent, to his Excellency.

Ordered. That the Committee of Grievances & Propositions who prepared the Address for giving thanks to his Excellency for his Speech &c carry the same & present it to his Excellency.

The Petition of Mr *John Childs* informing the house that he had received the Governors Commission to be his Majesties Messenger to attend the house of Burgesses was read, and the said *Childs* thereupon called into the house, where having produced his said Commission, he was Ordered to withdraw, and being withdrawn the Commission read at the table as followeth—

Sr *Edmund Andros* Kn^t his Majesties Lieut^t & Governor Generall of *Virginia* to all to whome these presents shall Come Greeting—Know yee that I doe hereby Commissionate, Authorise and appoint *John Childs* Gent. his Majesties Messenger in this Colony to attend the house of Burgesses this present Session of Assembly with power Likewise to the said *John Childs* to demand receive & take to himselfe all the fees & perquisites belonging or incident to the said place & office Given under my hand & the seale of the Colony this 28th day of *September* in the Eight yeare of his Majesties Reign *Annoq³ Domini 1696.*

E Andros.

And that being done the said *Childs* was called into the house & acquainted that the house did admitt him their Messenger and did Expect his Constant attendance accordingly.

Resolved, That all such Propositions & Grievances as were Lawfully taken in order to be presented to the last Session of Assembly & were not then Considered, be admitted to be brought to this Assembly, and be proceeded in as the Propositions & Grievances directly taken for this meeting.

The Propositions & Grievances of *Elizabeth City County Gloucester County Stafford County & Henrico County* were severally read and referred to the Committee of Grievances & propositions to report their opinions therein

A Proposition Signed by Coll^o *Lawrence Smith* of *Gloucester County* for Easeing of parishes in that Excessive Charge that lyes upon them by meanes of Bastard Children born of Servant women, was read & referred to the Committee of Grievances & propositions to report their opinions therein

A Proposition made by *George Axe* of *Gloucester County* for Amendment of the Law about Registring births, marriages & burials was read & referred to the Committee of Grievances & propositions to report their opinions therein

Mr *Speaker* acquainted the house that he moved his Excellency for a minister to read Divine Service during this Session of Assembly & that his Excellency hath appointed Mr *Cope Doyley* to performe that office according to y^e desire of the house.

The house adjourned 'till to morrow morning ten a Clocke

Wednesday

Wednesday the 30th September 1696.

THE house Called over & the absence of those that did not appear was Excused. The house being informed that the Under Sherriff of *Princes Anne* County was come to towne & attended at the Door, & was able to give an Account concerneing the returne upon the Writt for Election of Burgeffes in *Princes Anne* County, the house agreed to take the said returne into immediate consideration thō referred 'till to morrow by Order of Yesterday, & thereupon the said Under Sherriff was Called into the house, where haveing given a relation of that Election & returne he was admitted to subscribe the returne, & he being withdrawn.

Resolved. That the Under Sherriff of *Princes Anne* County haveing Subscribed the Returne upon the Writt for Election of Burgeffes in the said County, the said returne is thereby made a perfect & good returne

Resolved. That M^r *Benoni Burroughes* & M^r *John Thorrowgood* are duely Elected & returned Burgeffes to serve in this Assembly for *Princes Anne* County

And the house being informed that M^r *Benoni Burroughes* & M^r *John Thorrowgood* attended at the Doore of the house they were Called into the house, and ordered to apply themselves to the Councill appointed and Comissionated to swear the Burgeffes, to administer the oathes appointed by Act of Parliament in Stead of the Oathes of Allegiance & Supremacy, the Test & the oath of a Burgefs unto them, & being Sworn to give their attendance in the house.

Coll^o *Allerton* from the Committee of Grievances & Propositions Reported that the said Committee had taken into Consideration Severall matters to them referred & had agreed upon diverse Resolutions which he read & then delivered in at the Table, where being againe read the house Entred into an immediate Consideration of the Same.

And upon consideration of the Report of the said Committee upon a Proposition from *Accomack* County for repealeing the Law for holding in that County, & appointing that Courts be held the first *Tuesday* in every month the house agreed to the Report of the Committee & thereupon

Ordered That M^r *John Washburn* prepare & bring in a byll for Repealing the former Law made for keeping Courts in the County of *Accomack* and for appointing the Courts of the said County to be held the first *Tuesday* in every moneth.

And upon Consideration of the Report of the said Committee upon a Grievance from *Westmorland* County Concerning Clerkes & Sherriffs fees accruing from the Probats of Wills & Administrations upon small Estates the house agreed thereto, that the same is a just Grievance. and thereupon

Resolved. That a byll be prepared to redress the said Grievance & that It be referred to the Committee of Grievances & Propositions to prepare & bring in a byll accordingly.

And upon Consideration of the Report of the said Committee upon the Grievances of *Westmorland*, *Effex* & *Northumberland* Counties that the Toll taken by Millers is too large & that it may be Lessened the house agreed to the Report of the said Committee, that the Lawes already made in that Case are just & reasonable & have sufficiently provided. And therefore.

Ordered That the said Proposition be rejected.

And upon Consideration of the Report of the said Committee upon a Proposition from *Westmorland* & *Northumberland* Counties about the Encouragement for killing Wolves the house agreed to the Report of the Committee, that the Lawes made already sufficiently Provide for the *Englishmens* encouragement, & that another Act be made for the Indians Encouragement & thereupon

Ordered, That it be referred to M^r *Bassett*, M^r *Mason*, M^r *Ballard* & M^r *Spence* to prepare & bring in a byll for giving Encouragem^t to the Indians for killing of Wolves.

A message from his Excellency in Writing was brought into the house by Mr Robert Beverley who having delivered the same at the Table together with the account of the Stores of Warres and Letters hinted in his Excellencies Speech which the house addressed unto his Excellency for he withdrew.

And his Excellencies Message was read as followeth

By his Excellency.

Mr Speaker & Gentlemen of the house of Burgeses.

Upon Your Address of this day I have by advice in Council appointed *Tuesday* next for a day of thanksgiving & prayers to be kept by this Generall Assembly.

E Andros

September 29th 1696.

Mr Speaker having acquainted the house that his Excellency had Intimated to him his desires that the house should please themselves in the naming of a Minister to preach on the day appointed for thanksgiving & prayers.

Ordered. That Mr Speaker be desired to returne the thanks of the house to his Excellency and acquaint him that the house are desirous his Excellency will himselfe be pleased to appoint a Minister for that Service.

Then the house proceeded in the Consideration of the Reports made by Mr Leigh from the Committee of Grievances & Propositions.

And upon Consideration of the Report of the said Committee upon a proposition from *Westmorland & Northumberland* Counties concerning An Encouragement for killing of Crows & Squirrells the house agreed thereto and.

Ordered that the said Proposition be rejected.

And upon Consideration of the Report of the said Committee upon a Proposition from *Westmorland* County relating to Vagrant idle persons, non residents, poore people & houses of Correction the house agreed to the Report of the Committee that there is Sufficient provision made in all the said Cases by Law, and therefore.

Ordered that the said Proposition be rejected.

And upon consideration of the Report of the said Committee upon a Proposition from *Isle of Wight* County that no persons may have Liberty, to take up more then 300 acres of Land, over the *blackwater* Swamp. the house agreed to the Report of the Committee

Resolved and accordingly *Ordered* That an Address be made to the Governor & Council that no one person be permitted to take up and Patent more then four hundred Acres of Land on the South side of the *Blackwater* Swamp & that It be referred to Mr Gyles, Mr Thompson, Mr Ben & Mr Hodgefon to prepare an Address Accordingly.

And upon consideration of the Report of the said Committee upon a Proposition from *Isle of Wight* County Concerning buying of meat of Indians & that the same may be prohibited the house agreed to the Report of the Committee that there is sufficient provision made already by Law in the same & therefore.

Ordered, That the said Proposition be rejected.

And upon Consideration of the Report of the said Committee upon a Proposition from *Effex* County concerning a penalty for Entertaining Slaves & Servants, the house agreed to the Report of the Committee that sufficient provision is already made for the same by Law & therefore.

Ordered That the said Proposition be rejected.

And upon Consideration of the report of the said Committee upon a Proposition from *Effex* County concerning holding of Courts the house agreed to the Report of the Committee that y^e same is already Sufficiently provided for by Law and therefore.

Ordered, That the said Proposition be rejected.

And upon consideration of the Report of the said Committee upon a Proposition from *Northumberland* County concerning the Sabaoths day being prophaned by meanes of horse Races and Mufters on *Saturday*, the house agreed to the Report of the Committee that there is sufficient provision in such Cases made by Law & therefore.

Ordered

Ordered that the said Proposition be rejected.

And upon Consideration of the Report of the said Committee upon a Proposition from *Northumberland County* the house disagreed to the Report of the Committee and.

Resolved. That that part of the Seventh Act of Assembly made at *James City* in the year 1686. & Entituled *an act declaring the 107th act of Assembly made the 23^d of March 1661 1/2 to be in force* which Prohibits the planting or replanting of Tobacco after the last of *June* be repealed and that It be referred to *M^r Traverse, M^r Hayney, M^r Battle, & M^r Mason* to prepare & bring in a byll accordingly.

And upon Consideration of the Report of the said Committee upon Propositions from *Isle of Wight Nantzemund, Northumberland Accomacke & Elizabeth City Counties* for settling y^e Currency of money in this Countrey the house agreed to the Report of the Committee that peices of eight pafs at 5^s 7^d peece & Dollers at 4^s 6^d 7^d piece.

Ordered, That It be referred, to *M^r Traverse, M^r Hayney, M^r Battle & M^r Mason* to prepare & bring in a byll accordingly.

And upon Consideration of the Report of the said Committee upon the Proposition of *Coll^o Lawrence Smith* for Easeing the Charge upon parishes by meanes of Bastard Children born of Servant Women the house agreed to the Report of the Committee and.

Ordered That the said Proposition be Rejected.

And upon consideration of the Report of the said Committee touching the Severall Lawes & Acts made for the prevention of fornication, Adultery, & Sweareing &c the house agreed to y^e Report of the Committee And.

Resolved, That all the Lawes & Acts of this Countrey made for y^e punishment & prevention of Adultery, fornication, Sweareing & other Vices be Repealed, and that one new act relateing to & for the punishment of all such Crymes be made in the room thereof

Ordered that It be referred to the Committee of Grievances and propositions to prepare & bring in a byll accordingly.

The account of the Stores of Warre, the Lords of the Councils Letter to his Excellency of *ffrench* preparations to the *West India* Plantations & of the Discovery of the late Conspiracy against his Majesty, and his Majesties Letter relateing to the Suspending the Quota of Assistance to *New Yorke*, being Severally read.

Ordered. That the Committee of Grievances & Propositions take the Same into Consideration when his Excellencies Speech is considered by them

And then the house adjourned 'till Ten a Clocke to morrow morning.

Thursday the first of October 1696.

THE house Called over & the absence of those that did not appear was Excused. Certaine Propositions & Grievances which were directed to the Governor Council & Burgeses of this Assembly and by his Excellency and the Council referred to the Consideration of the house *Viz^t* from *Northampton & King & Queen Counties* being Severally read.

Ordered That the Consideration of the said Grievances & Propositions be referred to the Committee of Grievances & Propositions to Examine into the matter of the Same & to Report their Opinions therein

A Petition of the Inhabitants of *Pamunkey Necke* touching the Division of the said Neck from the other part of *King & Queen County* & making it an Entire County of itselfe being directed to the Governor Council & Burgeses of this Assembly & by his Excell^{cy} & the Council referred to the Consideration of this house, was read.

Ordered. That the Consideration of the said Proposition be referred to the Committee of Grievances & Propositions to examine into the matter of the said Proposition & to Report their Opinions therein.

Certaine

Certaine Propositions & Grievances from *York County James City County & Princeps Anne County* were Severally read.

Ordered. That the Consideration of the Propositions & Grievances of the said Counties be Severally referred to the Committee of Grievances & Propositions to Examine into the matter of the Said Grievances & to Report their Opinions therein

A Paper was presented at the Table as the Grievance of *Norfolke County* but wanting such attestation as the Law about presentation of Grievances directs was not Received.

A Petition from some Inhabitants of *York County* moveing against the removeall of *York County Courthouse*, which is petitioned for by some other Inhabitants of the said County was read.

Ordered that It be referred to the Committee of Grievances & Propositions to take the said Proposition into Consideration at the same time with the Propositions & Grievances of the 1^d County.

A Petition of *John Bigg* & other Inhabitants of *Princeps Anne County* touching the building of a bridge over *Simpson's Creek Swamp* was read.

Ordered. That the Consideration of the said Petition be referred to the Committee of Grievances & propositions to Examine into the matter of the said petition & to Report their Opinions therein

A Proposition of Mr *Robert Carter* for the amendment or abrogation of Certaine Lawes was read.

Ordered. That the consideration of the said Proposition be referred to the Committee of Grievances & propositions to Report their opinions therein

A Petition of *John Kimborough* for his usuall allowance from the Countrey as a pensioner was read. And the Consideration thereof referred to the Committee of Publick Claimes.

Ordered. That It be referred to the Committee of Publick Claimes to take into their Consideration all such proceedings, papers and Reports of the last Assembly as relate to the Publick Claimes and also the Journall of the last Assembly & make Report of what they find necessary to the house.

Ordered. That the Committee of Propositions & Grievances take into their Consideration the Journall of the last Assembly & from thence Report what they find necessary to the house

A motion being made by a member of the house, that Mr *Cooke* is very ill and desires the leave of the house to goe into the Countrey to his own house for Recovery of his health

Leave was Given accordingly.

A Petition of *Peter Beverley Clerke* of the house was read praying allowance from the Countrey for Transmittting diverse Copies of Journalls & Lawes to *England* & for attendance at y^e last meeteing of Assembly as usuall in such Cases.

Ordered. That the Consideration of the said Petition be referred to the Committee of Publick Claimes to Report their Opinions therein

A Petition of *George Marable* Sherrieff of *James City County* for allowance for attending at Generall Courts together with his petition to the Generall Court & the recommendation of the Generall Court thereupon to this house were Severally read—And.

Ordered. That the Consideration of the said petition together with all the papers relating to it be referred to y^e Committee of Grievances & Propositions to Examine the matter of the said Petition, inquire into preidents & to report their Opinions thereupon to the house.

Coll^o *Allerton* from the Committee of Grievances & Propositions Reported that the said Committee had upon Consideration of Severall matters to them referred agreed upon diverse Resolutions which were read & then delivered in at the Table where being againe read, the house Entred into an Immediate Consideration

And

And upon Consideration of the Report of the said Committee upon a Proposition from *Accomacke* County that Weavers may be Compelled to Weave Cloath, yard wide, at a Certaine rate, the house agreed to the Report of the Committee that it is very inconvenient so to do, & thereupon

Ordered. That the said Proposition be Rejected.

And upon consideration of the Report of the said Committee upon a Proposition from *Elizabeth City* County for the regulation of Porke barrells & other barrells to a Certaine Gauge & for a Packer, the house agreed to the Report of the Committee & thereupon

Resolved. That a byll be prepared for ascertaineing the Gauge of Porke Tarr & other barrells at thirty gallons & an halfe $\frac{7}{8}$ barrell & that it be referred to the Committee of Grievances & Propositions to prepare & bring in a byll accordingly.

Ordered. That it be given as an Instruction to the said Committee that in the said byll the County Courts be Ordered to appoint one or more Packers for each County at their discretion that the Packers have 6^d $\frac{7}{8}$ barrell for packing, that a penalty of five pounds *sterling* be laid upon false packers and that the Law be made to Continue in force two yeares & from thence to the End of the next Session of Assembly.

And upon Consideration of the Report of the said Committee upon a proposition from *Stafford* County concerneing enlarging the Liberty of Trade in this Countrey, the house agreed to the Report of the Committee that such a proposition is Contrary to the Acts of Navigation & therefore

Ordered. that the said Proposition be Rejected

And upon consideration of the Report of the said Committee upon a Proposition from *Stafford* County for the prevention of Catching and Stealeing horses the house agreed to the Report of y^e Committee that the Law sufficiently provides in such Cases and therefore.

Ordered that the said Proposition be rejected.

And upon consideration of the Report of the said Committee upon a proposition from *Stafford* County for Continuance of the Rangers the house agreed to the Report of the Committee & thereupon

Resolved; That it is necessary the Rangers be still Continued.

Ordered. That It be referred to the Committee of Grievances & Propositions to prepare & bring in a byll for the same.

And upon Consideration of the Report of the said Committee upon a Grievance from *Stafford* County concerneing mischeifs accrewing from the *Maryland* Indians hunting on this Side—the house disagreed to the Report of the Committee

Resolved. That the Subject matter of the said Grievance be taken into further Consideration on *Saturday* next and that it be referred to the Burgesses of *Stafford* County to Consider of some proper remedy for redress of the said Greivance & to propose the same to the house when it shall come in Debate.

And upon Consideration of the Grievance of *Stafford* County that the Writts for Burgesses may be transmitted in due time the house Agreed to the Report of the Committee And.

Ordered That a message be sent to M^r *Secretary* to acquaint him that there is a Complaint to this Assembly that the Writts for Burgesses come late to some Counties and to desire him that he will take Care for the future that all Writts for the Election of Burgesses or for Conveneing them together be Carried to the Respective Counties which they Concerne in due time.

And accordingly M^r *Mason*, M^r *Withers* & M^r *Bayley* were appointed to Carry the message.

And upon Consideration of the Report of the said Committee upon that part of his Excellencies Speech wherein his Excellency is pleased to acquaint the house with the Severall markes of his Majesties Grace & favour towards this Dominion the house agreed to the Report of the Committee & thereupon

Resolved

Resolved, That it is a Duety Necessary & incumbent upon the house to make an Address to his Majesty to Congratulate his happy preservation & Deliverance from the late horrid Conspiracy & to Express their gratitude for his Majesties acceptance of the five hundred pounds given for the assistance of *New Yorke* & thereupon dispen-
cing with the Quota of 240. men Comanded for that Service and for the Supplies of Stores and Ammunition Graciously sent by his Majesty to this Countrey for its Defence.

Ordered. That it be referred to the Committee of Grievances and Propositions to prepare an Address Accordingly and to Report the Same to the house.

And upon Consideration of the Report of the said Committee upon that part of his Excell^{cy}s Speech wherein he recommends y^e Incouragement to the Clergy the house agreed to the Report of the Committee and thereupon

Resolved. That the third Act of Assembly in the printed booke Entituled *Glebes to be laid out* be Repealed and that for y^e maintenance of the Clergy a new Act be made in the room thereof giving a Certaine allowance in Tobaccoe.

Ordered That It be referred to the Committee of Grievances and Propositions to prepare the said byll, and that it be an Instruction to the said Committee to ascertaine the allowance for each minister at fourteen thousand pounds of Tobaccoe & Caske without defalcation to be paid him by the parish, whereof he is an Incumbent and to make provision for a Glebe in Each parish

And upon Consideraçon of the Report of the said Committee upon that part of his Excellencies Speech relateing to the securing the Ammunitions & Stores of Warr on the frontiers Sea & Land The house agreed to the Report of the Committee & thereupon

Resolved, that a Conference be desired with the Councill upon that part of his Excell^{cy}s Speech w^{ch} relates to the Secureing of y^e Ammunition & Stores of Warr on the frontiers Sea & Land.

And Accordingly M^r Withers, M^r Battle, M^r Traverse & M^r Spence were appointed to desire a Conference & to move y^e Councill that they will be pleased to appoint some of their members & a time & place for holding the said Conference upon that head of his Excellencies Speech, with such members of this house as shall be appointed.

And upon Consideration of the Report of the said Committee upon that part of his Excellencies Speech relateing to an Imposition upon Liquors the house agreed to the Report of y^e Committee that Examination & inquirey be made into what has been raised from the late imposition upon Liquors & therefore.

Ordered That M^r Wilton M^r Dudley & M^r Kennor acquaint M^r Auditor Byrd, that the house doth desire him to prepare an account of the Imposition 4^d 7^d Gallon upon Liquors & of what hath been paid out of the same, & to lay the said acco^t before the house.

And upon Consideration of the Report of the said Committee upon that part of his Excellencies Speech relateing to an Encouragem^t for the Colledge, after a Long Debate thereupon

Resolved & accordingly Ordered That the said Report be Comitted & that the said Committee take that part of his Excellencies Speech into further Consideration

And then the house adjourned 'till to morrow morning Ten a Clocke.

Fryday the 2^d of October 1696.

THE house being informed by a member of the house that M^r Ransone is very ill and desires the Leave of the house to goe home for Recovery of his health
Leave was given accordingly.

M^r Duke informeing the house that he hath an account his family is very Sick & moveing for Leave to Visit them

Leave was given accordingly.

Ordered That he Give his attendance againe in the house on *munday* next at the meeting of the house.

A motion being made by Cap^t *Taylor* for Leave to goe to his own house upon Extraordinary Occasion; Leave was given accordingly.

Ordered That he give his attendance againe in the house on *Wednesday* Morning next.

Mr *Wilfon* acquainted the house that the persons appointed to deliver the message to Mr Auditor *Byrd* touching an account of the Imposition upon Liquors, had been with Mr Auditor and that he said he as yet had not received Coll^o *Scarburghs* Account but that so far Else as he was Capable he would prepare his Account of the Imposition upon Liquors & have it ready to Lay before the house on *Wednesday* next.

Mr *Withers* from the persons appointed to desire a Conference with the Council upon that part of his Excellencies Speech which relates to Secureing the Ammunition & Stores of Warre Sea & Land, acquainted the house, that they had been with the Council, & their hono^{rs} were pleased to say they would Consider of it & give an answer.

Mr *Mason* acquainted the house that the persons appointed had Carried the message to Mr Secretary about Sending of the Writts for Election of Burgeffes to the Respective Counties in due time, and that he did assure them he would take due Care for the future that all Writts for Burgeffes Should be Sent timely enough to the Severall Counties they Concerned.

Mr *Traverse* from the Committee appointed to prepare a byll to Repeal the prohibition of planting Toba^co after y^e last of *June* Annually, And a byll for Ascertaineing the rate & Value which money shall pass att presented the said bylls at the Table.

Mr *Bassett* from the Committee appointed to prepare a byll giving a Reward to Indians for killing of Wolves presented the byll at the Table.

Mr *Washburne* to whome it was referred to prepare a byll for altering the Court dayes in *Accomack* County presented the byll at the Table.

Mr *Gyles* from the Committee to whome it was referred to prepare an address to his Excellency & the Council that noe one person be permitted to take up & patent more then 400. acres of Land on the South side of *Blackwater* Swamp, Reported an address which was read, & being in some parts amended & read againe as followeth

To his Excell^{cy} S^r Edmund Andros Kn^t his Maj^{ties} Liev^t and Governor Gen^l of Virginia. And to the Hono^{ble} Council of State.

The humble Address of the house of Burgeffes.

May it please yo^r Excellency & Honors.

Whereas it is Represented to this Assembly that the takeing up of great quantities of Land on the South side of the *Blackwater* Swamp will not onely be very injurious & prejudiciall to diverse Inhabitants who are Seated on the North side of the said Swamp if by meanes thereof they be prevented to take up Land on the Other side for the Range of their Stockes, but also Cause severall families to desert the Countrey for Want of Conveniencies to Live.

We therefore his Majesties Loyall & Duetifull Subjects the House of Burgeffes taking the same into our Consideration, do humbly pray yo^r Excell^{cy} and Hono^{rs} that for y^e future you will be pleased so to provide, that no patent or Grant be made of more then four hundred acres to one person, of those Lands on the South Side of *Blackwater* Swamp which are not already patented by which Method we humbly Conceive that part of this Countrey will be Well peopled, great Stockes of provision Raised & the dayly repayreing of the Inhabitants of this Collony to the Southward prevented and the whole Countrey better Secured from any incursions which may be made or Mischeifes done on that side by the Indians when the *English* shall be so nearly Seated to one another

The said address was agreed to by the house.

Ordered. That the Address be fairely transcribed & presented to his Excellency & the Council by the persons that prepared it

Coll^o *Allerton* from the Committee of Grievances & propositions Reported diverse Resolutions of the said Committee in matters to them referred which were read & then delivered

delivered them in at the Table. where being againe read the house tooke the Same into immediate Consideration

And upon consideration of the Report of the said Committee upon a Proposition made by *George Axe* Concerning y^e Clerkes fee for Registring births &c & that a Collector of the fee may be appointed The house agreed to the Report of the Committee viz

That the Registers fee be increased to five pounds of Tobaccoe or Sixpence & that a Collector of the fee be appointed.

Ordered, that in the byll appointed to be drawn by the Committee of Grievances & propositions for provision & maintenance of the Clergy the said Committee insert a Clause to ascertaine y^e Clerks fee for Registring at five pounds of Tobaço or Six pence and to appoint a Collector of the fee.

And upon consideration of the Report of the said Committee upon a Proposition from *Gloucester* County to prevent Negro Quarters being kept without Christian Overseers, the house agreed to the Report of the Committee that the same is already sufficiently provided for by Law & therefore.

Ordered. That the said proposition be Rejected.

And upon Consideration of the Report of the said Committee upon a Petition from the Inhabitants of *Pamunkey Necke* that they may be Divided from the other part of *King & Queen* County the house agreed to the Report of the Committee that *Pamunkey Necke* be made an Intire County of itselfe.

Ordered. That a byll be brought in for the same & that it be referred to the Committee of Grievances & Propositions to prepare & bring in the byll—

And upon Consideration of the Report of the said Committee upon y^e Petition of Severall of the Inhabitants of *Yorke* County, that Courts for the said County may be hereafter held at *Yorke Town*, the house agreed to the Report of the Committee, that Courts for *York* County be accordingly held at *York Towne*.

Ordered That a byll be brought in for the same & that it be referred to the Committee of Grievances & Propositions to prepare & bring in the byll

And upon consideration of the Report of the said Committee upon a Grievance from *York* County that the Encouragement of Linnen Cloath may be taken of the house agreed to the Report of the Committee, that in as much as the Law for such Encouragement is temporary & neare Expired.

Ordered That the said Proposition be rejected.

Coll^o *Allerton* from the Committee of Grievances & Propositions to whome it was referred to prepare a byll for punishment of fornication & severall other Crimes, & a byll for ascertaineing County Court Clerkes fees & Sherriffs fees upon Probates of Wills & Adminiftrations presented the said bylls at y^e Table.

A Petition of *Richard Morris* for an allowance for his attending the last meeteing of Assembly as a door keeper

A petition of *John White* for an allowance for his attending the last meeteing of Assembly as a door keeper

A petition of *William Drew* for an allowance for his attending the last meeteing of Assembly as a door keeper

A petition of *Lazarus Thomas* for an allowance for his attending the last meeteing of Assembly as a Door keeper

A petition of *Miles Cary* for an allowance for his attending y^e last meeting of Assembly as Clerke of a Committee.

A petition of *Thomas Blunt* for an allowance for his being Interpreter to the Indians on the South side *James River*

A petition of *William Stone* for an allowance for his being Interpreter to the *Pamunkey* Indians

A petition of *Gyles Webb* for an allowance of 2 moneths pay as Cap^t of the 13 Additionall Rangers. And

A petition of *George Mafon* for an allowance of 2 months pay as Cap^t of the 18. Additionall Rangers.

Were Severally read & the Consideration of the said Severall Petitions was Severally referred to the Committee of Publick Claimes

A Byll for Altering Court dayes in *Accomacke* County read the first time

Resolved that the said byll be read a 2^d time.

A Byll for Giveing a Reward to Indians for killing Wolves read the first time.

Resolved. that the said byll be read a second time.

A Byll for Ascertaineing the rate & Value which money shall pass att read the first time.

Resolved, that the said byll be read a second time.

A byll for Repealeing the Prohibition of planting Toba^coes after the last of *June* Annually read the first Time.

Resolved. That the said byll be read a 2^d time.

A byll for punishment of fornication & Severall other Crimes Read the first time.

Resolved. That the said byll be read a 2^d time.

A byll for Ascertaineing County Court Clerkes fees & Sheriffs fees upon Probates of Wills & administrations Read the first time.

Resolved. That the said byll be read a second time.

A motion being made by M^r *Michael Sherman* for Leave to goe & Visit his family being sick

Leave was given accordingly.

Ordered. That the said *Michael Sherman* give his attendance in the house againe on *munday* morneing next at the first Sitting.

And then the house adjourned 'till to morrow morning Ten a Clocke

Saturday October the 3^d 1696.

THE house Called over & all members that had not the Leave of the house to be absent appeared.

A message from the Councill by M^r *Robert Beverley*.

M^r *Speaker*

I am Ordered by the Councill to acquaint this house that they have Considered of your message for a Conference upon that part of his Excellencies Speech which relates to the Secureing of the Ammunition & Stores of Warr on the frontiers Sea & Land & in answer thereto do agree to the Conference & have appointed three of their members to meet such as shall be appointed by this house in the great Hall on *Munday* next four a Clocke in the afternoone.

And thereupon the house appointed Coll^o *Allerton*, M^r *Custis*, M^r *Leigh* M^r *Byrd*, M^r *Sherwood* & M^r *Harrison* to be the managers for the house & they were Ordered to give their attendance at time & place appointed for the conference.

A petition of *Dionisius Wright* for an allowance for his attending the last Assembly & Generall Court as Clerke of the Church

A petition of *John White* for an allowance for his attending the last meeteing of Assembly & the Gen^l Court as Sexton of y^e Church.

A petition of M^r *William Sherwood* for an allowance of 37^l 10^s 00^d due to him for a yeare & halfe rent of the Councill Chamber

A petition of *Edward Rofs* for an allowance for his Cleaneing and looking after the Burgefes Chamber & utensils thereto belonging & for some repaires done to it.

were severally read & the consideration of the said severall petitions was Severally referred to the Committee of publick Claimes

Coll^o

Coll^o *Allerton* from the Committee of Grievances & propositions to whome it was referred to prepare & bring in a byll for the support & maintenance of the Clergy & a byll for the Divideing of *King & Queen* County presented the bylls at the table.

And then the byll for the support & maintenance of the Clergy was read the first time, And

Resolved, that the said byll be Read a 2^d time.

A byll for the Divideing of *King & Queen* County Read the first time.

Resolved that the said byll be Read a second time.

Coll^o *Allerton* from the Committee of Grievances & Propositions Reported that the said Committee in Severall matters to y^e 1st Committee referred had agreed upon severall Resolutions which were read & then delivered in at the table. where being againe read the house proceeded to a Consideration

And upon consideration of the Report of the said Committee upon a Proposition from *King & Queen* County that Escheats may be Granted to the possessor of Escheatable Lands or to y^e Widow of the person from whome the Lands Escheat

Resolved & accordingly *Ordered* that the further Consideration of the said proposition & Report be referred 'till *munday* next.

And upon Consideration of the Report of the said Committee upon a Petition of *John Bigg* & other Inhabitants of *Princes Anne* County touching the building of a Bridge over *Simpsons* Creeke Swamp & that the Inhabitants of Lower *Norfolk* may be Compelled to Contribute to the Same, the house agreed to the Report of the Committee that the Law Sufficiently provides in Such Cases & therefore

Ordered that the said petition be rejected.

And upon Consideration of the Report of the said Committee upon a Complaint of Severall of the Inhabitants of the *Northern Necke* against the Lords Proprietors Agents that they Demanded greater Services & Rents for the Land held in the said neck then his Majesty doth take and that they in their Patents Give no certaine Right to the Land they Grant & that they Act Contrary to the former Grants of the Countrey & to the former Lawes and that severall *Roman* Catholickes are Employed by the said Lords Proprietors to bear Offices, the house agreed to the Report of the Committee, that the Lawes in all such Cases doe provide Sufficient Remedy. And therefore.

Ordered, that the said Complaint be rejected.

And upon Consideration of the Report of the said Committee upon that part of his Excellencies Speech relateing to Encouragement of the Colledge. which was Comitted to the said Committee on *Thursday* Last upon their Report then made, to be further Considered the house agreed to the Report of the Committee & were of Opinion

That they doe apprehend the Colledge to be under no Circumstance of want at present & that Likewise the Countrey is in no Capacity of giving it assistance at this time.

And upon Consideration of the Report of the said Committee upon a Proposition from *James City* County that the fine may be enlarged upon Ministers that marry without Licences or publication of Banes & some good method taken for the prevention thereof the house agreed to the Report of the Committee

That the Clause of the 12th Act of Assembly in the printed bookes imposing the fine of ten thousand pounds of Tobaccoe upon ministers marrying without License or publication of banes be Repealed and that a penalty of 500^l sterling be made in the room thereof

Ordered. That a byll be brought in for the same, and that it be referred to the Committee of Grievances & Propositions to prepare & bring in the byll

And upon Consideration of the Report of the said Committee upon a Proposition from *James City* County for sueing persons to Outlawry by a method fitted to the Constitution of the Countrey the house agreed to the Report of the Committee and.

Resolved. That a Law be made declaring the method of sueing Outlawries for Debt or Damages.

Ordered,

Ordered, That a byll be brought in for the same & that it be referred to the Committee of Grievances & Propositions to prepare & bring in the byll

Then according to Order of *Thursday* last the house took into Consideration the Grievance of *Stafford* County by means of the *Maryland* Indians hunting on this side for remedy of which, *Mr Withers* presented a proposition in Writing, and the same being some time Considered & debated

Resolved, That the house doe take the said Proposition into further Consideration on *munday* next

Ordered, That the Windows of the house be repaired before the fitting of the house on *munday*, & that the Clerke take Care to have it done.

A byll for altering Court dayes in *Accomack* County read y^e second time & after some amendments made therein at the table which were twice Read

Ordered, That the said byll with the amendments be ingrossed & Read a third time

A byll for ascertaineing the rate & Value mony shall pass att Read the Second time, & after some amendments made therein & a Clause added to it at the Table, which Amendments & Clause were twice Read.

Ordered, That the said byll with the amendments & Clause be ingrossed and read a third time.

A byll for ascertaineing County Court Clerkes fees & Sherriffs fees upon Probates of Wills & Administrations read the second time and after a small amendment being made therein at y^e table and twice read.

Ordered that the said byll be ingrossed and read a 3^d time.

Resolved, that the title to the said byll be, A byll for ascertaineing County Court Clerks fees & Sherriffs fees upon Probates & Administrations.

A byll for punishment of fornication & Severall other Crimes Read the Second time and Comitted to the Committee that prepared the same for amendments.

Resolved, that the Title to the said byll be. a byll for punishment of fornication & Severall other Sins & Offences.

A byll for Repealeing the Prohibition of planting Tobaccocoe after the last day of *June* Annually read y^e 2^d time.

Ordered. that the said byll be ingrossed and read a 3^d time.

A byll for giving a Reward to Indians for killing of Wolves Read the Second time & some amendments being made therein at the Table & twice Read.

Ordered, that the said byll & amendments be ingrossed & read a third time.

Ordered, That *Mr Wilson* have Leave to goe into the Country upon his Extraordinary Occasions, and that he give his attendance againe in the house *munday* next at two a Clock afternoone.

And then the house adjourned 'till *munday* morneing Tenn a Clocke

Munday October 5th 1696.

THE house Called over and all persons appeared that had not the Leave of the house to be absent

Mr Gyles Reported, that the persons appointed had according to the order of the house, waited upon his Excellency & the Councill and had delivered the addrefs about the Grants of Lands on the South side of *Blackwater* Swamp.

A Proposition of *Mr William Sherwood*, & *Mr William Leigh* for Ascertaineing what shall be allowed good Evidence to prove Letters of Attorney & other Deeds & Instruments being read.

Ordered, that the Consideration of the said proposition be referred to the Committee of Propositions & Grievances to Report their Opinions therein

A Petition of *Daniell Tibbs* for an allowance for Carriage of publick Letters was read & referred to the Committee for Publick Claimes

Then

Then According to Order the house tooke into Consideration the Proposition of *King & Queen County* about the Grant of *Escheates*, with the Report of the Committee of Propositions & Grievances made thereupon on *Saturday* last & therein haveing spent some time.

Ordered, That it be referred to the Committee of Grievances & Propositions to take the subject matter of the Proposition of *King & Queen County* touching Grants of *Escheates* together with the Report of the said Committee into a second Consideration and Report their Opinions thereupon to the House.

And according to Order of *Saturday* last, the house takeing into Consideration the Grievance of *Stafford County* by meanes of *Maryland* Indians hunting on this side & the proposition of *Mr Withers* for remedy thereof

Resolved, that a byll be prepared for Restraint of the *Maryland* Indians from hunting on this side under Certaine penalties And.

Ordered, that It be referred to *Mr Withers* & *Mr Mason* to prepare & bring in the byll

An ingrossed byll for Ascertaineing the rate & Value w^{ch} money Shall pass att read the third time, & a debate being had Concerneing Amendments for the same.

Resolved, that the byll doe pass without Amendments.

An ingrossed byll for Repealeing the prohibition of planting *Tobaccoe* after the Last day of *June* Annually being read the third time.

Resolved. That the byll do pass.

An Ingrossed byll for giving a Reward to Indians for killing of Wolves was read the 3^d time & passed the house.

An Engrossed byll for altering the Court dayes in *Accomack County* was read the third time & passed the house.

An Engrossed byll for ascertaineing County Court Clerkes fees & Sherriffs fees upon Probates & adminiftrations was read the third time, & after some amendments were agreed to be made therein & accordingly inferted.

A motion being made for puting off the passing of the byll to another time it was thereupon

Resolved, that the passing of the said byll be referred 'till *friday* next

Ordered, that a byll be prepared for ascertaineing County Court Clerks fees & Sherriffs fees in all Cafes & that it be referred to *Coll^o Allerton*, *Mr Leigh*, *Mr Randolph*, & *Mr Sherwood* to prepare & bring in the byll with all Convenient Expedition

Ordered, that the Severall persons appointed to attend the Conference with the Councill this day & *Mr Randolph* & *Mr Bassett* with them Carry to the Councill the Severall bylls which this day passed the house—and desire their concurrence thereunto.

A byll for Support & maintenance of the Clergy read the 2^d time & the house haveing debated some time touching Amendments to be made therein

Resolved, And Accordingly *Ordered* that the said byll be Comitted to the Committee that prepared it for amendments.

A byll for Divideing of *King & Queen County* read y^e 2^d time & comitted to the Committee that prepared the same for amendments.

A Proposition of *Jerom Ham*, being Read.

Ordered, that the said Proposition be rejected.

And then the house adjourned 'till *Wednesday* morning Ten a Clocke

Wednesday October y^e 7th 1696.

THE house Called over & all persons appeared, that had not y^e Leave of the House to be absent

Coll^o Allerton haveing reported from the Conference with y^e Councill that the persons appointed had Conferred with their Honors upon that part of his Excellencies Speech w^{ch} relates to y^e securing the Ammunition & Stores of Warr on the frontiers Sea & Land And they were pleased to say to this Effect.

That

That they did Conceive the best way of Security was to disperse the Stores into the severall parts of y^e Countrey where the great Gunns are.

That they did propose to the house to Consider if any part of the Countrey be more proper for, or more in need of great Guns then the places where they are now planted, and did propose that three men at Least might be provided & kept Continually at Each place, where the Stores & great Guns are, and that Lookers out to Seaward might be appointed in Convenient places for discovery of an Enemy that way.

The house tooke the subject matter of the said Conference into Consideration & Debate & haveing therein spent some time.

Resolved, that it is the Opinion of the house that as the dispersing the Ammunition & Stores of Warr, the appointing of men to looke after them & the great Guns at the severall places where they Lye & the removall of great Guns from place to place as there may be Occasion remains wholly in the discretion of his Excellency the Governor, so it be left intirely to him to do therein, as he shall think most fitt

Resolved, that the Governor be desired with the advice of y^e Councill to appoint & Continue Lookers out to Seaward, as from time to time there shall be Occasion for prevention of Surprise And that they be paid by the Countrey as heretofore.

Coll^o Allerton from the Committee of Grievances & Propositions reported diverse Resolutions of the said Committee in matters to them referred, which were read & then delivered in at y^e table where being againe read the house tooke the same into Consideration

And upon Consideration of the Report of the said Committee upon a proposition from *King & Queen* County that the Indian Tributaries may pay their Tribute in Wolves heads &c the house agreed to the Report of the Committee, that inasmuch as there is a byll already prepared for Encouragement to the Indians for killing wolves, it will Sufficiently Answer the proposition & therefore

Ordered. that the said Proposition be rejected.

And upon Consideration of the Report of the said Committee upon a proposition from *Princes Anne* County that no appeale be Granted under Eight hundred pounds of Tobacco Value the house agreed to the Report of the Committee, that the Law be not altered in that point and therefore.

Ordered that the said Proposition be Rejected.

And upon Consideration of the Report of the said Committee upon a Proposition from *Northampton* County concerneing a Restraint of unruly horses & pounds for them

Resolved. That a byll be prepared for the better restraint of unruly horses & for Pounds, the byll to be Generall in respect to the Whole Countrey and that it be referred to M^r Custis, M^r Taylor M^r Withers, M^r Goodrich & M^r Battle to prepare & bring in the byll.

And upon Consideration of the Report of the said Committee upon a Proposition from *Princes Anne* County that a Law may be made against the Exportation of old Iron the house agreed to the Report of the Committee, that such a Law would be Inconvenient and therefore.

Ordered. that the said Proposition be rejected.

And upon Consideration of the Report of the said Committee upon a proposition of *King & Queen* County & the report of the said Committee made thereupon which on *munday* last were referred to a second Consideraçon of the said Committee the house agreed to the Report of this day.

That the Possessor of all Escheatable Lands hath y^e first right to a Grant of the same by Virtue of the Charter of King *Charles* the Second.

And there being no person Certified to whome the benefit of that Grant hath been Denied.

Ordered. That the said Proposition of *King & Queen* County be rejected

And upon Consideration of the report of the said Committee upon a Grievance from *Northampton* County. that Inconvenient Roads may be altered.

Resolved,

Resolved. That the County Courts in their respective Counties be impowered to alter such old Roads as they think inconvenient

Ordered that a byll be brought in for y^e same & that it be referred to the Committee of Grievances & Propositions to prepare & bring in the byll

Ordered, that a byll be brought in for the better Explaineing y^e Lawes Giveing damages upon Appeales, in ascertaineing upon what the damages shall be allowed & how much, & that it be referred to the Committee of Grievances & Propositions to prepare & bring in the byll

A petition of *John Pleasant* in behalfe of himfelfe & other *Quakers* in *Henrico* County, touching fines imposed on them for not appeareing & being in armes according to Law, was Read & referred to the Consideration of the Committee of Grievances & propositions to report their Opinions therein

Coll^o *Allerton* Reported that the persons appointed had delivered unto the Councill four bylls passed by the house *Viz*

A byll for ascertaineing the rate & Value which mony shall pass att

A byll for Repealeing the Prohibition of planting Tobacco after the Last day of *June* annually.

A byll for Giveing a Reward to Indians for killing of Wolves and.

A byll for altering the Court dayes in *Accomack* County. and.
had desired their honors Concurrence thereto.

Coll^o *Allerton* from the Committee of Grievances & Propositions to whome it was Referred to prepare a byll for ascertaineing the place where the County Court for *Yorke* County shall be kept haveing presented the byll at the Table, the said byll was read y^e first time. & Ordered a second reading.

And haveing Reported from the said Committee to whome it was referred to make Amendments in the byll for punishment of fornication & Severall other Sinns & offences, in the byll for Divideing *King* & *Queen* County & in the byll for the support & maintenance of the Clergy, that the Committee had Considered off & made severall Amendments to the said severall bylls.

The Amendments in the byll for punishment of fornication & severall other Sins & offences & also a new Clause added to y^e same were twice read & agreed to by the house & thereupon

Ordered, that the said byll with the amendments & Clause be Engrossed and read a 3^d time.

And the amendments to the byll for Divideing *King* & *Queen* County & a new Clause to the said byll being twice read the house agreed to the Amendments & Clause.

Ordered, that the said byll with the amendments & new Clause be ingrossed and read a third time.

And the amendments to the byll for support & maintenance of the Clergy being twice read the house agreed to the said amendments

Ordered, that the said byll with the amendments be ingrossed and Read a third time.

And then the house adjourned 'till to morrow morning ten a Clocke

Thursday October the 8th 1696.

THE house Called over.

Coll^o *Allerton* from the Committee of Greivances & propositions Reported diverse Resolutions of the said Committee in matters to them referred, which were read, & then delivered them in at the Table where being againe read, the house tooke y^e same into Consideration

And upon consideration of the Report of the said Committee upon a Grievance from *James City* County, that the Obstruction of fish from comeing up Rivers & Creekes
may

may be prevented, the house agreed to the Report of the Committee, that the same being a publick nuisance is already sufficiently provided for by Law & therefore

Ordered that the said Complaint be rejected.

And upon Consideration of the Report of the said Committee upon a proposition from *James City County*, that one Justice may by Law be empowered to decide all Controversies under five hundred pounds of Tobacco The house agreed to the Report of the Committee, that such a Law would be very inconvenient and therefore.

Ordered, that the said proposition be Rejected.

And upon consideration of the Report of the said Committee upon a Proposition from *James City County*, that Justices may take no fee, the house agreed to the Report of the Committee that the Law doth Sufficiently provide in Such Cases & therefore.

Ordered that the said proposition be rejected.

And upon Consideration of the Report of the said Committee upon the Petition of *John Pleasant* in the behalfe of himselfe and Severall other *Quakers* in *Henrico County* Complaineing of y^e Rigour of Severall Lawes against them for not beareing & provideing Armes & for not appeareing at musters, and of the severity of severall of the Militia, the house agreed to the Report of the Committee that the Lawes relateing to y^e Militia now in force are very severe & uncertaine.

Ordered, that a byll be brought in for Repealeing the 23^d Act of Ass^{embly} 1666. Entituled *an act imposeing fines upon refractory persons* the 4th Act of Ass^{embly} 1684 Entituled *an act for y^e better supply of the Countrey with Armes & Ammunition* & for imposeing less fines then in the said Acts are Ordained upon all Refractory persons for not beareing Armes, for not Comeing to musters & for not provideing Armes & Ammunition and that it be referred to the Committee of Grievances & propositions to prepare & bring in the byll

And upon Consideration of the Report of the said Committee upon y^e petition of *George Marable Sherriff* of *James City County* for an allowance for attendance at Generall Courts, a long Debate being had touching the Subject matter of the said Report, & opinion of the said Committee that some allowance is just & reasonable to the said Sherriff for his attendance & Expence at the Generall Courts and that an allowance of 6000^l tobacco be annually given for y^e same. to be paid by the Countrey, a Question was put.

That the house agree to the report of the Committee and it passed in the negative.

Ordered. that the said Petition be rejected.

And upon Consideration of the Report of the said Committee upon a Proposition of Mr *Robert Carter* for the amendments & alterations of severall Acts of Ass^{embly} Viz^t the 95th Act in y^e printed booke Entituled *accounts against dead mens Estates* the 4th Act 1679. Entituled *an Act declareing how far accounts are pleadable against dead mens Estates*, the 96th Act in the printed booke Entituled *ballance of accounts of deceased persons* & the 18th Act in the printed booke Entituled *Judgm^{ts} & Specialties how long pleadable*, the house agreed to part of the Report & disagreed to another part

Resolved, that the Eighty first Act in the printed booke Entituled *Judgments & Specialties how long pleadable* be Repealed and that in the roome thereof a new Act be made for y^e better Explaineing the matter of the said Act with such further addition thereto as may be thought necessary and that it be Referred to the Committee of Grievances & propositions to prepare & bring in the byll for the same.

And upon Consideration of the Report of the said Committee upon a proposition of Mr *Robert Carter* about the Law imposeing penalties on Evidences not appearing in Cases of *Meum & tuum*

Resolved That the Act relateing to such penalties be repealed & a new one made in the roome thereof plainly setting forth that the fine in the said Act mentioned is to the King for Contempt of the Proceſs and that the party Injured may have remedy by the Lawes for the damage he sustaines by the non appearance of Evidence.

Ordered. That it be referred to the Committee of Grievances & propositions to prepare & bring in a byll for the same.

A Message from his Excellency & the Council by Mr Robert Beverley in Writing, was read.

By his Excellency & the Council
Mr Speaker & Gentlemen of the house of Burgeffes.

In answer to your message relating to taking up of Lands on the South side of Blackwater Swamp, all due regard will be had therein as Occasion

By Order of his Excellency & Council
R. Beverley Cl Gen Aff^{ty}

October the 7th 1696.

A petition of William Stone for allowance for his being an Interpreter three yeares to the Rappahanock & Nanzatico Indians in the roome of David Wickliff, being read.

Ordered, That the Consideration of the said petition be referred to the Committee of Publick Claimes.

An Engrossed byll for punishment of fornication & Severall other Sinns & offences being read the third time, a new Clause was proposed to be made thereunto & the said Clause being read three times the house agreed to the same and had it put to the byll at the Table and thereupon

Resolved. That the said byll with the new Clause do pass the house.

An Engrossed byll for Divideing King & Queen County being read the third time.

Resolved. That the said byll do pass.

An Engrossed byll for the support & maintenance of the Clergy being read the third time.

Resolved. That the said byll do pass.

A byll for ascertaineing the place, where the Court for York County Shall be kept being read the 2^d time.

Ordered, That the said byll be Engrossed & read a third time.

A byll for imposing penalties upon ministers marrying persons without the publication of Banes or Lycense, read y^e first time & an amendment being therein made at the Table.

Ordered that the said byll be read a 2^d time.

A byll for Sueing persons to Outlawry and

A byll for ascertaineing the Gauge of Pork tarr & other barrells were Severally read the first time & ordered a second reading

Ordered. That Coll^o Allerton, Mr Custis, Mr Leigh, Mr Byrd, Mr Sherwood, Mr Harrison & Mr Randolph & Mr Bassett Carry the three bylls which this day passed the house to the Council & desire their Concurrence thereunto.

Ordered. That Mr Wilson & the other persons before appointed to Speake to Mr Auditor Byrd for an account of y^e Imposition upon Liquors doe againe reminde him of preparing the said Account

And then the house adjourned 'till to morrow morning ten a Clock

Fryday October the 9th 1696.

THE house Called over

Ordered, That the passing of the byll for Ascertaineing County Court Clerkes fees & Sherriffs fees upon Probates & Administrations referred to this day be further put off, till such time the house think Convenient to have the same put to y^e passage.

Coll^o Allerton Reported that the persons appointed to Carry a byll for punishment of fornication & severall other sins & offences A byll for Divideing King & Queen County & a byll for y^e support and maintenance of the Clergy to the Council. had accordingly delivered the said bylls & had desired their honors Concurrence thereunto

Mr Custis from the Committee to whome it was referred to prepare a byll for the better restraint of unruly horses presented the said byll at the table.

Coll^o

Coll^o *Allerton* from the Committee of Grievances & propositions to whome it was referred to prepare & bring in A byll for the alteration of inconvenient Roads, A byll for Ascertaineing damages upon appeales, A byll for imposable penalties upon the non appearance of Evidences & A byll for the Limitation of Actions upon Judgements and Specialties presented the said bylls at the Table.

An Engrossed byll for ascertaineing the place where the Court for *York* County shall be kept read the 3^d time, & passed y^e house.

A byll for imposable penalties upon ministers marrying persons without publication of Banes or License read y^e 2^d time.

And Comitted to the Committee that prepared the same for amendments.

Resolved, That the title to the said byll be

A byll for prevention of Clandestine Marriages.

A byll for Sueing persons to Outlawries being read the 2^d time

Ordered that the said byll be ingrossed & read a 3^d time.

A byll for ascertaineing the Gauge of Porke, tarr & other barrells being read the second time.

Ordered. That the said byll be ingrossed & read a 3^d time.

A byll for restraint of unruly horses read the first time & some blankes therein being filled up at the Table & agreed to.

Resolved. That the said byll be read a second time.

A byll for alteration of Inconvenient roades being read the first time

Resolved that the said byll be read a 2^d time.

A byll for imposable penalties upon the non appearance of Evidences being read the first time.

Resolved. That the said byll be read a 2^d time.

A byll for Limitation of Actions upon Judgments & Specialties being read the first time.

Resolved. That the said byll be read a 2^d time.

Resolved. That the Title of the said byll be A byll Declareing how Long Judgments & Specialties shall be pleadable.

A byll for ascertaineing damages upon Appeales being read the first time.

Resolved. That the said byll be read a second time.

Ordered. That Leave be Given to M^r *Matthew Kemp* to goe to his house in the Countrey upon his Extraordinary Occasions & that he give his attendance againe at the Sitting of y^e house on *Wednesday* Morneing.

Ordered, That M^r *William Randolph* have Leave to goe to his own house upon his Extraordinary Occasions and that he give his attendance againe upon the Service of the house on *Tuesday* morning.

And then the house adjourned 'till To morrow morning Ten a Clocke

Saturday October the 10th 1696.

THE house Called Over.

Coll^o *Allerton* from the Committee of Grievances & propositions to whome it was referred to make amendments in the byll for prevention of Clandestine Marriages Reported that the Said Committee had accordingly Considered of and made amendments to the said byll

And the said amendments being twice read & agreed to.

Ordered. That the said byll be ingrossed with the amendments & read a third time.

M^r *Wilfon* reported that the persons appointed had been with M^r Auditor *Byrd* and had procured the accounts of y^e 4^d 5th Gallon, which he presented at the table.

Ordered,

Ordered. That a Committee be appointed to inspect the accounts of the Collectors of the Duty of 4^d ~~per~~ gallon upon Liquors and the account of Mr Auditor Byrd thereupon & accordingly a Committee being appointed, to wit, Mr *Baffet*, Mr *Digges*, Mr *Traverse*, Mr *Harrison*, Mr *Withers* & Mr *Spence*.

Ordered. That it be referred to the said Committee to inspect y^e said Accounts and to make Report of their proceedings & opinions to y^e House.

Coll^o *Allerton* from the Committee of Grievances & propositions to whome it was referred to prepare & bring in a byll for y^e better Supply of the Countrey with Armes & Ammunition, & a byll for ascertaineing what shall be sufficient proove to Letters of Attorney presented the said bylls at the Table.

Ordered That Mr *Ballard* have Leave on his Extraordinary Occasions to be absent on *munday* next.

Ordered. That if Mr *Thomas Edmundson* one of the Burgeses for *Effex* County do not give his attendance upon the Service of y^e house on *Thursday* next he be sent for in Custody of the Messinger attending this house.

An Engrossed byll for Sueing persons to Outlawry was read the third time & after a debate, the Question being put that the byll do pass.

It passed in the Negative.

Ordered. That Leave be Given to the Committee to whome it was referred to prepare & bring in a byll for ascertaineing County Court Clerkes fees & Sherriffs fees in all Cafes to draw up & Report the byll without ascertaineing Sherriffs fees and that Mr *Custis* be added to the said Committee in the room of Cap^t *Randolph*, who hath the Leave of the house to goe into the Countrey.

An Engrossed byll for Ascertaineing the Gage of Porke, tarr & other barrells being read the third time.

Resolved. That the said byll doe pass.

A message from the Councill by Mr *Robert Beverley* who brought into the house three bylls *Viz*^t

A byll for altering Court dayes in *Accomack* County assented to by the Councill without any amendments.

A byll for Repealeing the Prohibition of planting Tobaccos after the last day of *June* Annually agreed to by y^e Councill in Case amendments be made.

And the said Amendments being Read the house agreed thereto & made them accordingly in the byll.

And a byll for Giveing a Reward to Indians for killing of Wolves agreed to by the Councill with amendments, which said amendments being Read. The Same were agreed to by the house and made in the byll accordingly.

Ordered. That the said two last bylls be Carried back to the Councill for their View, that the house haveing agreed to the amendments proposed by them, have accordingly made y^e Same in y^e bylls

A byll declareing how long Judgments & Specialties Shall be pleadable read the 2^d time & Certaine amendments being therein made at the Table. & twice read.

Ordered. That the said byll be ingrossed & read a 3^d time.

A byll for Imposeing penalties upon the non appearance of Evidences being read the second time.

Ordered. That the said byll be ingrossed and read a third time.

A byll for ascertaineing damages upon appeales being read the second time

Ordered. That the said byll be Ingrossed & Read a 3^d time.

A byll for alteration of Inconvenient Roads being read y^e second time.

Ordered. That the said byll be Ingrossed & read a 3^d time.

A byll for the better restraint of unruly horses was read y^e Second time. And the Question being put. that the byll be ingrossed.

It passed in the Negative.

Ordered. That the said byll be rejected.

Mr Taylor & Mr Goodrich haveing withdrawn out of the house without leave & as the house is informed are gone out of Towne.

Ordered. That the Messinger give them notice that they Come not into the house againe to take their places before they make application to the house for admittance.

A motion being made by the Burgeesses of *Northampton* and *Accomack* Counties for Leave to bring in a byll, perticular for the better restraint of horses in the said Counties Leave was given accordingly and the byll ordered to be brought into the house on *Tuesday* next farthest

And thereupon a Debate ariseing that the Burgeesses of *Northumberland* & *Effex* Counties have Liberty to bring in a like byll for restraint of horses in the said Counties, the Question was put. And It passed in the negative.

A byll for Ascertaineing what shall be Sufficient prooffe to Letters of Attorney being read the first time.

Resolved. That the said byll be read a 2^d time.

A byll for the better supply of the Countrey with Armes & Ammunition being read the first time.

Resolved, That the said byll be read a 2^d time.

Ordered, That *Mr Byrd, Mr Basset, Mr Macon, Mr Digges, Mr Ballard, Mr Mason, Mr Traverser, Mr Battale & Mr Jenkins* Carry the byll for Ascertaineing the place where the Court for *York* County shall be kept, and the byll for Ascertaineing the Gage of Porke tarre & other Barrells to the Councill and desire their Concurrence thereunto, & also carry back the byll for Giveing a Reward to Indians for killing of Wolves and the byll for Repealeing the Prohibition of planting Tobaccoe after the last day of *June* Annually, for their honors View, that the amendments are made in each of the said bylls according to their Honors propofalls.

And then the house adjourned 'till *Munday* Morneing Ten a Clocke.

Munday October the 12th 1696

THE house Called over, & the absence of those that did not appear was Excused.

A petition of *Mr Charles Goodrich & Mr John Taylor* desireing to be admitted to take their places was read, and they thereupon being Called into the house and Submitting themselves for their goeing out of Towne on *Saturday* last without Leave

Ordered, That the said *Charles Goodrich & Mr John Taylor* be Excused. and Respectively admitted to take their places paying the Messengers fees.

Coll^o Allerton from the Committee to whome it was referred to prepare and bring in a byll for regulateing & ascertaineing Clerkes fees, presented the said byll at the Table which was read the first time, and ordered a second Reading.

An Engrossed byll declareing how Long Judgments & Specialties Shall be pleadable being read the third time.

Resolved, That the said byll doe pass.

An Engrossed byll for ascertaineing damages upon Appeales being read the third time & a small amendment made therein at the Table and thrice Read.

Resolved. That the byll doe pass with the amendment

An Engrossed byll for the alteration of Inconvenient Roads being read the third time.

Resolved that the said byll do pass.

Mr Waters Reported a byll for the Erecting & building of Pounds in the Counties of *Accomack & Northampton* which being presented at the table was read the first time &

Ordered a second reading

An Engrossed byll for prevention of Clandestine Marriages being offered to be read

Ordered. That the said byll have a third reading to morrow morning.

An

An Engroffed byll for Impofeing penalties upon the non appearance of Evidences being read the third time.

Resolved. That the faid byll do pafs.

Ordered, That M^r Byrd, M^r Taylor, M^r Duke, M^r Jenkins, M^r Thorowgood, M^r Thompson, M^r Dudley, M^r Newman & M^r Waters doe Carry the feverall bylls which this day paffed the houle to the Councill & defire their Concurrence thereunto.

M^r Byrd Reported that the perfons appointed had delivered the byll for afcertaineing the place where the Court for York County Shall be kept and the byll for afcertaineing the gage of Porke tarre and Other barrells to the Councill & defired their Concurrence thereunto

A byll for the better fupply of the Countrey with Armes & am̃unition was read the fecond time. & Comitted to Coll^o Allerton, M^r Leigh M^r Cuftis, M^r Byrd & M^r Sherwood for amendments.

A byll for afcertaineing what fhall be fufficient proof to Letters of Attorney being read the fecond time.

Ordered, That the faid byll be ingroffed and read a 3^d time.

Resolved. That the houle doe Enter into an Affociation to Stand by his Majefty King William, in the Defence of his Sacred perfon and Support of this his Government and Dominion

Ordered, That it be referred to the Comitteē of Propofitions and Grievances to prepare the forme of an Affociation for the Said purpofe and to Report the fame to the houle.

And then the houle adjourned 'till to morrow morning Ten a Clock

Tuesday October teh 13th 1696.

THE houle being met a Debate was held for fome time & thereupon

Resolved. That the houle doe adjourne 'till to morrow morning And accordingly the houle adjourned 'till to morrow morning ten a clock.

Wednesday October the 14th 1696.

THE houle Called over.

M^r Byrd Reported, that the perfons appointed had delivered a byll for Impofeing penalties upon the non appearance of Evidences, A byll for the alteration of Inconvenient Roads A byll for afcertaineing damages upon appeales & a byll declareing how long Judgments & Specialties Shall be pleadable, unto the Councill & had defired their Concurrence thereunto

M^r Baffett from the Comitteē appointed to inspect y^e Severall Accounts of the Collectors relateing to the 4^d ~~q~~ gallon upon Liquors and M^r Auditor Byrds Account thereupon. haveing Reported the proceedings and Opinions of the faid Comitteē touching the fame.

Ordered, That the faid Comitteē make application to M^r Auditor Byrd for Coll^o Scarburghs account of the faid Impofition in this diftriēt and alfo acquaint him that the houle doe Expect, that the Severall Collectors make Oath to their Refpective accounts according to Law.

Coll^o Allerton from the Comitteē to whome it was referred to make amendments to the byll for better fupply of the Countrey with Armes and Ammunition reported that the faid Comitteē had accordingly made amendments in the byll

And the faid Amendments being read twice and agreed to.

Ordered, That the faid byll be Engroffed with the amendments and read a 3^d time.
Coll^o

Coll^o *Allerton* from the Committee of Greivances & propositions presented a byll for appointing Rangers at the heads of the four great Rivers, which was Received.

M^r *Mafon* from the Committee to whome it was referred to prepare & bring in a byll for prevention of Mischiefs from the *Maryland* Indians hunting in *Virginia* presented the said byll which was received & read the first time.

Resolved That the said byll be read a 2^d time.

An Engrossed byll for Ascertaineing what shall be sufficient proof to Letters of Attorney being read the 3^d time, after a Debate

Resolved. That the said byll doe pass.

A byll for Erecting & building pounds in the Counties of *Accomack* & *Northampton* was read the second time. & amendments being made therein at the Table & twice Read. & agreed to

Ordered, That the said byll be ingrossed wth y^e amendments & read a 3^d time.

An Engrossed byll for prevention of Clandestine Marriages being read y^e 3^d time

Resolved. That the said byll doe pass.

Ordered. That Cap^t *Taylor*, M^r *Battle*, M^r *Mafon*, M^r *Goodrich*, M^r *Cooke*, M^r *Gyles*, M^r *Thorowgood*, & M^r *Whitaker* Carry the two bylls w^{ch} this day passed the house to the Councill & desire their Concurrence thereunto.

Ordered, That Cap^t *Taylor*, M^r *Thompson*, M^r *Macon*, M^r *Hayney*, M^r *Gyles* & M^r *Goodrich* make inspection into the byll for regulateing & ascertaineing County Court Clerkes fees & make Report of what they find necessary to note therein.

Coll^o *Allerton* from the Committee of Grievances & Propositions Reported that the said Committee had taken into Consideration that part of his Excellencies Speech which recommends the Lessening the Levy on the poll by an Imposition upon Liquors and had therein agreed upon a Resolution, w^{ch} he read in his place & then delivered it in at y^e table where being againe read the house agreed to the Report of y^e Committee. and

Resolved. That it is necessary that an Imposition be laid upon Liquors for Lessening the Levy by the poll.

Ordered. That it be referred to the Committee of Grievances & propositions to prepare & bring in a byll accordingly.

Ordered. That an address be prepared to his Excellency setting forth the Severall resolutions of the house upon Consideration of his Excellencies Speech to this Assembly and that it be referred to Coll^o *Allerton*, M^r *Leigh*, M^r *Custis*, M^r *Byrd*, & M^r *Sherwood* to prepare the same and to Report it to the house.

A byll appointing Rangers at the heads of y^e four great Rivers being read the first time.

Resolved, That the said byll be read a 2^d time.

And then the house adjourned 'till to morrow morning ten a Clocke.

Thursday October y^e 15th 1696.

THE house Called over & the absence of those that did not appeare was Excused. M^r *Ballard* being ill and moveing for Leave to goe into y^e Countrey. Leave was Given accordingly.

M^r *Basset* & the other persons appointed haveing brought into the house the Severall Collectors Account of the 4^d ^q gallon & M^r *Auditors* Account thereupon, & upon Consideration thereof & the Report of the said Committee, the house finding Coll^o *Scarburghs* account to be very imperfect

Ordered. That the said Committee together with M^r *Custis* & M^r *Waters* acquaint the said Coll^o *Scarburgh* with the Severall Objections w^{ch} are made to his Account & that the house doe Expect from him a more full & perfect account. & such as is agreeable to Law.

An

An Engrossed byll for Erecting & building of Pounds in the Counties of *Accomacke* & *Northampton* being read the third time.

Resolved. That the said byll do pass.

An Engrossed byll for the better supply of the Countrey with Armes & Ammunition being read the third time after a long debate for Amendments

Resolved, That the said byll doe pass without amendments.

Ordered, That Mr *Byrd*, Mr *Traverse*, Mr *Spence*, Mr *Withers*, Mr *Mason* Mr *Dudley*, Mr *Taylor* & Mr *Thompson* doe Carry the two bylls which this day passed the house to the Councill & desire their Concurrence thereunto.

A Message from the Councill by Mr *Robert Beverley* who brought into the house four bylls *Viz*

A byll for Repealeing the Prohibition of planting Tobaccoe after the last day of *June* Annually assented to by the Councill according to the amendments made by the house therein

A byll giving a Reward to Indians for killing of Wolves assented to by the Councill according to the amendments made by the house therein

A byll for ascertaineing the rate & Value w^{ch} mony shall pass att not assented to by the Councill

A byll for Divideing *King* & *Queen* County not assented to by y^e Councill

A byll for prevention of mischiefs from the *Maryland* Indians hunting in *Virginia* being read the second time.

Ordered, That the said byll be Engrossed & read a 3^d time.

A byll appointing Rangers at y^e heads of the four great Rivers was read the 2^d time, & a Clause of the said byll being agreed upon to be taken out & accordingly rased.

Ordered, That the said byll be ingrossed and read a 3^d time.

Cap^t *Randolph* from the Committee of Publick Claimes reported, that y^e said Committee had taken into Consideration the severall matters of Claime to them referred, and had agreed upon diverse Resolutions therein w^{ch} as usuall they had Entred in one booke Called a booke of Reports of the Committee for Publick Claimes, & had directed him to present the said booke to the house.

And the said booke of Reports being presented at y^e Table

Ordered. That the said booke lye upon the Table, untill the house think it a Convenient time to take the same into Consideration

And then the house adjourned 'till to morrow morning ten a Clocke.

ffryday October 16th 1696.

THE house Called over.

Mr *Byrd* Reported. that the persons appointed had delivered the byll for Erecting of Pounds in the Counties of *Accomack* & *Northampton* & the byll for the better supply of y^e Countrey wth Armes & Armunition to the Councill & had desired their Concurrence thereunto.

Mr *Taylor* Reported. That the persons appointed had delivered a byll for ascertaineing what shall be sufficient prooffe to Letters of Attorney & a byll for prevention of Clandestine Marriages to the Councill & had desired their Concurrence thereunto.

Mr *Taylor* from the Committee to whome it was referred to inspect the byll for Regulateing & ascertaineing County Court Clerkes fees; haveing Reported.

That the said Committee had accordingly inspected & Considered the said byll & had drawn up some observable notes thereupon which he read in his place, and then delivered them in at the Table where being againe read.

Resolved. That the said byll be read a 2^d time. And after a second reading that the said notes presented by the said Committee be then Considered

And accordingly the said byll being read a 2^d time. The house tooke into Consideration

consideration the Report of the said Committee & agreed upon Certaine Amendments, which said Amendments the said Committee are Ordered to make in the byll & to Report it to morrow morning.

Coll^o Allerton from the Committee to whome it was referred to prepare an Address to his Excellency Setting forth the Resolutions of the house upon some parts of his Excellencies Speech. Reported that the said Committee had accordingly prepared an address, w^{ch} they had directed him to present to the house.

And the said Address being presented & read at the table as followeth

To his Excell^y S^r Edmund Andros Kn^t his Majesties Liev^t & Governor Gen^l of Virginia The humble Address of the house of Burgeffes.
May it please Yo^r Excellency.

We his Majesties most Loyall & duetifull Subjects the Burgeffes now Assembled, in a former address touching some parts of yo^r Excellencies Speech to this Assembly represented to yo^r Excell^y what we Conceived fuitable & incumbent upon us at that Season, & since then haveing taken under our Serious Consideration the remaineing parts do esteem it our Duety to lay before yo^r Excell^y the Subject matter of such resolutions as are thereupon made, w^{ch} are to this Effect. first in testimony of our Sense of those Royall markes of his Maj^{ties} favour & Grace towards this Dominion in the severall perticulars yo^r Excell^y is pleased to enumerate We have resolved by an humble Address to Express our obligations and Gratitude to his Maj^{ties} for the same, and to Congratulate his Majesties happy preservation from the late horrid Conspiracy & to the End our Loyalty & affection to his Maj^{ty} may the better appear, We have likewise resolved to devote our selves intirely to his Majesties Service by Entering into an association. 2^{dly} upon yo^r Excellencies recommending an Encouragement to the Clergy & Colledge, We have Considered & passed a byll giving 14000^{lbs} of Tobacoe & Caske without any defalcation, besides a Glebe & perquisites for their better maintenance, and apprehending the Colledge to be under no Circumstance of want at present & the Countrey in no capacity of assisting it now, We leave the Consideration of a further Encouragement as there may be need of it & the state of y^e Countrey will bear. 3^{dly} finding it necessary for the defence of y^e Countrey We have prepared a byll for Continueing the Rangers at the heads of the Rivers and humbly pray yo^r Excell^y to appoint & Continue lookers out to seaward as from time to time there shall be occasion for prevention of surprize that way, to be paid by the Countrey as heretofore, and as to what provision may be most proper for securing y^e Ar^munition & Stores of Warre do leave it wholly to yo^r Excell^{ys} Wisdome, And lastly for an Ease to y^e Levy by y^e poll We have Ordered a byll to be prepared & brought in laying an Imposition upon Liquors. And may it please yo^r Excellency as in making of all these Resolutions & all else in this Session we have all along acted with regard to and do principally intend, the Glory of God, the honor of his Majesty & the Welfare of this Dominion, so we hope by the blessing of God on our Endeavours, which Shall be to the utmost the Circumstances of this Countrey will admitt those good Ends will be Effectuated.

was agreed to by the house and ordered to be fairely ingrossed in order to be sent to his Excellency.

Ordered, that M^r Leigh, M^r Custis, M^r Byrd, M^r Taylor, M^r Randolph, M^r Duke, M^r Harrison, M^r Wilson, M^r Sherwood, M^r Battle, M^r Basset & M^r Digges present the said address to his Excellency.

Coll^o Allerton from the Committee to whome it was referred to prepare & bring in a byll for Lessening the Levy by the poll & Laying an Imposition upon Liquors presented the said byll at the Table.

A message from the Councill by M^r Robert Beverley who brought into the house three bylls Viz^t

A byll for ascertaineing the place where the Court for Yorke County shall be kept assented to by the Councill without amendments.

A byll for puniſhment of fornication & ſeverall other ſins & offences agreed to by the Council in Caſe amendments be made.

And the ſaid Amendments being read, the houſe agreed thereto & made them accordingly in the byll

And a byll for the ſupport & maintenance of y^e Clergy. agreed to by the Council with amendments, which ſaid amendments being read.

Ordered, That the ſame be taken into Conſideration to morrow morning.

Ordered. That M^r *Cuſtis* have Leave to goe into the Countrey on his Extraordinary Occaſions 'till *Wednesday* next and that then he Give his attendance againe upon the Service of the houſe.

Ordered, That M^r *Leigh* carry back to y^e Council the byll for puniſhment of fornication & Severall other Sins & offences for their View that the amendments are made therein according to their honors propoſition

And then the houſe adjourned 'till to morrow morneing Ten a Clocke.

Saturday October y^e 17th 1696.

A MESSAGE from the Council by M^r *Robert Beverley* who brought into the houſe fix bylls (*Viz*)

A byll for puniſhment of fornication & ſeverall other ſins & offences agreed to by the Council according to y^e ſeverall amendments.

A byll for aſcertaineing damages upon appeales agreed to by y^e Council without any amendments

A byll declaring how long Judgments & Specialties ſhall be pleadable agreed to by the Council without any amendments.

A byll for Impoſeing penalties upon the non appearance of Evidences agreed to by the Council without any amendments.

A byll for alteration of Inconvenient Roads not agreed to by the Council

And a byll for aſcertaineing the Gage of Porke tarre & other barreills agreed to by the Council in Caſe amendments be made.

And the ſaid Amendments being read the ſame were agreed to by the houſe and accordingly made in the byll

An Engroſſed byll for prevention of miſcheifes from the *Maryland* Indians hunting in *Virginia*, was read the 3^d time, & a Claufe for limiting the time of continuance to the ſaid Act being agreed to be added to the ſaid byll and three times read.

Resolved. That the ſaid byll do paſs with the ſaid Claufe.

M^r *Leigh* acquainted the houſe, that the perſons appointed to preſent unto his Excellency, the addreſs ſetting forth the Reſolutions of the houſe upon ſome parts of his Excellencies Speech, had accordingly waited upon his Excellency & preſented the ſaid Addreſs.

Then the houſe Called over & the abſence of thoſe that did not appear was Excused.

M^r *Taylor* from the Committee to whome it was referred to infer Amendments in the byll for regulateing & aſcertaineing County Court Clerkes fees Reported that the ſaid Committee had accordingly infered the amendments

And the ſaid Amendments being twice read & agreed to.

Ordered. That the ſaid byll be ingroſſed with y^e amendments & Read a 3^d time. The Orders of the houſe were read.

A byll appointing Rangers at the heads of the four great Rivers being read the third time.

Resolved, That the ſaid byll do paſs.

Ordered That M^r *Macon* have Leave upon his Extraordinary occaſions to goe into the Countrey. and that he give his attendance upon y^e Service of the houſe on *Tuesday* next in the morning.

Then

Then according to Order the house tooke into Consideration the amendments of the Councill to the byll for support & maintenance of y^e Clergy & therein haveing spent some time, & part of the amendments agreed to & part disagreed to

Resolved. That a Conference be desired with the Councill upon y^e amendments not agreed to, & that they will please to agree to the byll with such amendments only as the house do agree to.

Ordered. That Cap^t *Randolph*, M^r *Sherwood* & M^r *Byrd* forthwith withdraw & desire a Conference accordingly & also Carry to y^e Councill the two bylls w^{ch} this day passed the house & desire their Concurrence thereunto and the byll for ascertaineing the Gauge of Porke tarre & other barrells for the Councills View that amendments are made therein according to their proposition

And they being returned M^r *Randolph* acquainted the house that they had delivered the said bylls to the Councill, & had desired if it might be an Immediate conference, and that the Councill were pleased to Say they would Consider of it & send an answer

A message from the Councill by M^r *Robert Beverley*, That the Councill do agree to the Conference desired by the house upon the amendments to the byll for support & maintenance of the Clergy & have appointed three of their members to meet such as shall be appointed by this house on *munday* next four a Clocke in the afternoone to hold a Conference accordingly in the great Hall

Ordered That Coll^o *Allerton*, Cap^t *Leigh*, M^r *Byrd*, M^r *Taylor*, M^r *Harrison* & M^r *Duke* be the managers for the house, and that at time and place appointed they attend the said Conference.

And then the house adjourned 'till *munday* morning ten a Clocke.

Munday October the 19th 1696.

THE house Called over.

A petition of M^r *Benjamin Harrison* junor for an allowance for his attendance the last meeting of Assembly as Clerke of the Committee of Grievances & propositions being read.

Ordered, That the said petition be taken into Consideration when the booke of Reports of the Committee for Publick Claimes is read.

M^r *Basset* Reported, that the persons appointed had delivered the Message of the house to Coll^o *Scarburgh* concerneing his account of 4^d $\frac{3}{4}$ gallon and had received of him another account which he delivered at the Table, and thereupon the house being informed, that there are lately Arrived two Vessells in his district which Imported Liquors of which there is no mention in the account

Ordered That M^r *Waters* & M^r *Washburne* acquaint Coll^o *Scarburgh* that the house do Expect he give under his hand that the said Two Vessells remaine to be accounted for.

Coll^o *Allerton* from the Committee to whome it was referred to prepare and bring in the forme of an Association and an address to his Majesty presented the same at the Table which being both read as followeth

Virg^a Sc

As much as it is notoriously manifest, that there hath lately been an horrid and detestable Conspiracy of Papists & other barbarous & bloody traitours in the Kingdom of *England* to take away his Majesties Life by assassinateing his Royall person, to the End an Intended Invasion from *France* for the subversion of the Religion, Lawes & Liberties of that Kingdom, & in that of this and all other his Majesties Dominions might be thereby the better facilitated, We whose names are hereunto underwritten the Burgeesses Assembled at *James City* in his Majesties Dominion of *Virginia* do heartily, Sincerely & Solemnly profess Testify & declare, that his present Majesty King *William* is our Rightfull & Lawfull King, And We do hereby mutually promise & engage to Stand by and assist each other to the utmost of our power, in the Supporting defending & keeping this Government for his Majesty against the late King *James* and his adherents

ents, and if it should so happen that his Majesty Should come to a violent or untimely End, which God forbid, We do hereby protest & declare that we Will be Enemies to all persons that have been his Enemies & also that We will unite associate & assist Each other in the Defending & keeping this Dominion for Such Successour of his Majesty as the Crown of *England* shall belong to according to an Act made in the first yeare of the Reign of King *William* & Queen *Mary* Entituled *an act declareing the Rights & Liberties of the Subject and settling the Succession of the Crown.*

To the Kings most Excellent Majesty.

We your Majesties most Loyall & Duetifull Subjects the Burgeesses now Assembled at *James City* in yo^r Maj^{ties} most ancient Colony & Dominion of *Virginia* haveing taken into our serious Consideration how much yo^r Majesties Subjects here stand obliged for yo^r Royall Care from time to time extended to this your Dominion, and in a more perticular manner for those signall tokens and markes of yo^r Maj^{ties} Grace & favour lately received in a fresh supply of Ammunition & Stores of Warr for great Guns, in yo^r Majesties Gracious acceptance of the mony Given by the Assembly for the Assistance of *New York* & thereupon dispening with the Quota of men Comanded for that Service, in the Information We have had of the timely & most happy discovery of the late horrid Conspiracy against yo^r sacred person & intended Invasion of yo^r Majesties most Ancient Kingdom of *England*, in the notice we have been Given of the preparations of the *french* against yo^r Maj^{ties} plantations this way. to the End we should not be surpris'd. And lastly in yo^r Maj^{ties} most Gracious assurance of Assistance according to our Exigences in all humble & thankfull manner acknowledge your Princely bounty goodness & Care for & towards the peace Defence & Security of this Yo^r Majesties Dominion, and as we do heartily Congratulate yo^r Majesties preservation & deliverance from the barbarous designs of yo^r Enemies with an utter abhorrence & detestation of such designs, so We do dayly offer up our prayers to Almighty God for continuance of his Mercies in blessing us with a long & prosperous Reign of yo^r Majesty over us. & on our parts do unfeignedly promise upon all occasions to Expose & laye down our Lives & fortunes for the support & Defence of yo^r Majesties Interest & Lawes, & in the opposition of yo^r Enemies. And as a testimony of our Loyall & Duetifull inclinations & Sincere affection to yo^r Majesty (according to the practise of yo^r Majesties Loyall & good Subjects at home) We have Every of us Entred into an Association which we have prayed your Majesties Governor here to Assist us in getting presented to your Majesty, and in all humility beseech yo^r Majesties Gracious acceptance thereof.

They were agreed to by the house and Ordered to be fairely ingrossed and presented by the Clerke to the house tomorrow morning.

An Engrossed byll for regulateing and ascertaineing County Court Clerkes fees being read the 3^d time.

Resolved, that the said byll do pass.

Ordered, that the persons appointed to manage the Conference wth the Councill this afternoone Carry the said byll unto the Councill and desire their Concurrence thereunto.

And then the house adjourned, till tomorrow morning ten a Clocke.

Tuesday October the 20th 1696.

THE Clerke according to Order presented the Address to his Majesty and the Association fairely Engrossed w^{ch} were read.

And the address being signed by M^r *Speaker* in behalfe of the house & the Association by every dividuall member.

Ordered. That the said address & Association be carried to his Excellency by the whole house & that M^r *Speaker* in behalfe of y^e house humbly move his Excellency that he will be pleased to assist y^e house in getting the Same presented to his Majesty.

Ordered

Ordered That Mr Byrd, Mr Baffit, Mr Wilfon, & Mr Ballard waite upon his Excellency & acquaint him that the house have prepared an addrefs to his Majesty for Congratulateing his Majesties prefervation from y^e late Conspiracy &c and Signed an Affociation which they desire his Excellency will be pleased to affist them in getting presented to his Majesty and that he will admitt the house to attend him therewith.

Mr Waters Reported that he & Mr Washburn had According to y^e order of the house been with Coll^o Scarburgh & that he had according to y^e direction of the house underwritten his Account of the Imposition upon Liquors to render a Just account of the Liquors Imported in two Veffells Arrived Since his Comeing from Accomack, when the Same are Entred & quantity knowne.

Coll^o Allerton haveing Reported from the Conference wth y^e Councill Upon the amendments to the byll for Support & maintenance of y^e Clergy the Subject matter of the said Conference, the house tooke y^e Same into Immediate Consideration and therein haveing spent some time.

Resolved. That the house do adhere to the said byll with Such amendments only as they before agreed to.

Ordered That the persons before appointed to manage the Conference wth the Councill upon the amendments to the said byll acquaint them with the Resolution of the house & desire their honors Concurrence to y^e byll with such amendments only as the house do agree to.

Then the house tooke into Consideration the booke of Reports of y^e Committee for Publick Claimes, which haveing read through, the Severall Articles therein Contained, were agreed to by the house with Such addition & alterations as are noted downe in the body & margent of the said Reports.

And then the house adjourned 'till tomorrow morning ten a Clocke.

Wednesday October the 21th 1696.

THE house Called over.

Mr Byrd Reported that the persons appointed had waited upon his Excellency & moved him. that he would please to admit the house to attend him with an addrefs & an Affociation, & that his Excellency was pleased to appoint Three a Clock this afternoone to be attended by the house in the great Hall.

Resolved. That the house do forthwith Resolve into a Committee of the whole house to take into Consideration allowances for the respective Officers that Attend this Assembly & all such further allowances as are to be added to the booke of Reports of y^e Committee for Publick Claymes. And, accordingly

The house Resolved into a Committee of the whole house to take the said allowances into Consideration & Mr Randolph tooke the Chair, wherein haveing spent some time. Mr Speaker Refumed the Chair, And Mr Randolph Reported that the said Committee not haveing fully Considered the matters to them referred desired Leave to sitt againe.

And thereupon the house Resolved to Resolve againe into a Committee of the whole house about two a Clock to proceed in the Consideration of the Officers allowance.

A message from the Councill by Mr Robert Beverley who brought into the house four bylls (*Viz*)

A byll for ascertaineing the Gage of Porke tarre & other barrells agreed to by the Councill according to the amendments inferted.

A byll for prevention of Clandestine Marriages agreed to by y^e Councill provided the last Clause be left out, & the said Clause being read the house agreed to the proposition of the Councill and raied out the said Clause Accordingly.

A byll for Ascertaineing what shall be Sufficient prooffe to Letters of Attorney agreed to by the Councill provided the last Clause of y^e Said byll be left out, And the said

saide Clause being read after a debate the house disagreed to the amendments proposed by y^e Councill to wit, That the saide Clause be left out.

A byll for Erecting & building of Pounds in the Counties of *Accomack & Northampton* agreed to by the Councill provided the last Clause of the saide byll be left out, and the saide Clause being read upon a Debate the house disagreed to Leave out the saide Clause according to the proposition of the Councill.

Ordered. That the managers of the Conference with the Councill upon the Amendments to the byll for support & maintenance of the Clergy Carry with them to the Councill the byll for prevention of Clandestine marriages for their View that the amendments are made therein according to their honors proposition.

Then according to Order the house Resolved into a Committee of the whole house to proceed in the Consideration of y^e officers allowance and therein haveing spent some time, M^r *Speaker* resumed the Chair, & M^r *Randolph* Reported, that the saide Committee had agreed upon Severall allowances which he read in his place & then delivered them in at the table where being againe read, the same were agreed to by the house and annexed to the booke of Reports of the Committee for Publick Claymes.

Ordered. That the managers of the Conference with the Councill Carry ye booke of Reports of the Committee for Publick Claymes together with the addition thereto this day made in the house to the Councill and desire their Concurrence to the Same.

A byll for Lessening the Levy by the poll and laying an Imposition upon Liquors being read the first time.

Resolved That the saide byll be read a 2^d time.

Resolved That M^r *Speaker* & the whole house do forthwith waite upon his Excellency with the Address to his Majesty & the Association and that the house be adjourned 'till tomorrow morning. And Accordingly.

The house adjurn'd 'till tomorrow morning Ten a Clocke

Thursday October the 22^d 1696.

THE house being met & Called over.

M^r *Speaker* acquainted the house that haveing according to order yesterday waited upon his Excellency with the whole house & in their behalfe Supplicated his Excell^{cy} for his assistance in getting y^e Address & Association presented to his Majesty, his Excellency was pleased to receive the Same & to say to this Effect.

That he would be alwayes ready to serve the house, in what he might and that he would Consult with the Councill about their present desire.

Coll^o *Allerton* Reported That the persons appointed had delivered the byll for prevention of Clandestine Marriages to y^e Councill for their View that the amendments were made therein according to the proposition of the Councill. and likewise had delivered the booke of Reports of the Committee for Publick Claymes as agreed to by y^e house and desired their honors Concurrence, thereunto.

And Coll^o *Allerton* haveing also Reported that the persons appointed for the Conference & to acquaint the Councill with the Resolution of the house touching Amendments to the byll for support & maintenance of the Clergy, had accordingly done it, but had yet received noe Answer.

Ordered. That the saide Managers waite upon the Councill againe with the first Conveniency to know their Determinate answer relateing to the saide byll, with Such Amendments only as are before agreed to by the house.

A byll for Lessening the Levy by the poll and laying an Imposition upon Liquors was read the 2^d time, & after a long Debate the Question being put that the byll be ingrossed.

It passed in the Negative.

Resolved that the byll be rejected.

The house being informed by a member of the house that Cap^t *Duke* is very ill at his Chamber & desires Leave to goe into the Countrey for Recovery of his health Leave was Given accordingly.
And then the house adjourned 'till tomorrow morning ten a Clocke.

Fryday October 23^d 1696.

THE house Called over and the absence of those that did not appear was excused.
A Message from the Councill by M^r *Robert Beverley*, in Writeing was read at the Table as followeth

By the Councill

M^r Speaker & Gentlemen of the House of Burgeffes

His Excellency haveing been pleased at the opening of this Assembly to lay before you many & extraordinary markes of his Majesties Grace & favour towards this Dominion lately received, which are Enumerated in his Speech and to which may be added, if we looke but a little backward other like tokens of his Majesties goodneis in dispenceed with his prerogative in appointing Ports &c and Leaveing it to our Choyce, and also in waveing the prohibition of bulk Tobacoe so Earnestly desired in *England* because it was found not pleaseing here. we are much Surprised that those Royall Condescensions & favours Justly deserveing Suitable Returnes have not been accordingly Answered with such from your house but on the Contrary with your disagreeing hitherto with us in a byll for the better maintenance of the Clergy the due Cares of which, as it is in a more perticular manner recommended to you in pursuance of his Ma^{ties} Comands to his Excellency how can it be reasonably Expected, his Majesty Should Continue his Royall Acts of Grace or be pleased to allow any Lawes we desire if in our proceedings, we Show no testimony of our Loyalty & obedience to what his Majesty is pleased to Command, but seem rather to pass it unregarded We therefore Judge it incumbent upon us for the discharge of our Duety to recommend to yo^r further Consideration the Answering his Majesties Comands by provideing for the Clergyes better maintenance And to that end as it is our sense that it will be most for the Service of this Dominion, We propose againe that the byll intended for that purpose may be passed with such alterations, as at the Conference with yo^r members we offered to agree to, and do hope it will not stick with you, in regard a former Assembly upon reviseing of the Lawes have thought it reasonable to come up to the Same proposition, and that such an Act will Stand as a testimony of our Loyalty & obedience, as well as of our own Inclinations to encourage good & able ministers among us.

23^d October 1696.

Tes^t *R Beverley* Cl Gen Aff^{br}

And after Sometime a Debate arising touching the Resolving of the house into a Committee of the whole house to take into Consideration the Subject matter of the said message. The Question was put that the house doe Immediately resolve into a Committee of the whole house for that purpose.

And it passed in the Negative.

Resolved. That the house do agree to pass the byll for support & maintenance of the Clergy with such alterations & amendments as were offered by the Councill at the Conference. That they would agree to.

And accordingly the said Amendments being inserted & alterations made in the byll.

Ordered That M^r *Randolph*, M^r *Leigh*, M^r *Custis*, M^r *Taylor*, M^r *Harrison* M^r *Basset*, M^r *Digges* & M^r *Battle* Carry the said byll to the Councill for their View that such alterations & amendments are made therein as they offered at the Conference to agree to & desire their Concurrence accordingly.

And

And they being returned M^r *Randolph* Reported that they had delivered the said byll to the Councill & acquainted them, that the house had agreed to the Amendments & alterations proposed by their honors at the Conference & had accordingly made them in the byll.

Ordered, that M^r *Armistead* have Leave upon Extraordinary Occasions to goe into the Countrey and that he give his attendance againe upon the Service of the house on *Munday* next two a Clock afternoone.

Ordered, That M^r *Battle* have Leave upon extraordinary Occasions to goe into the Countrey & that he give his attendance againe upon y^e Service of the house on *munday* next in the morning.

And the house adjourned 'till tomorrow morning ten a Clocke.

Saturday October the 24th 1696.

THE house Called over and the absence of those that did not appear was Excused. M^r *William Byrd* setting forth to the house his Extraordinary occasions w^{ch} may require his absence from this house & moveing for Leave to goe about the Same.

Ordered That he be Excused from giving any further attendance upon the Service of the house dureing this Session.

A Message from the Councill by M^r *Robert Beverley* who brought into the house five bylls (*viz*)

A byll for Support & maintenance of the Clergy agreed to by the Councill according to the Amendments.

A byll for prevention of Clandestine Marriage agreed to by y^e Councill according to the Amendments.

A byll appointing Rangers at the heads of the four great Rivers agreed to by the Councill in Case Amendments be made therein.

And the said Amendments being read.

Ordered That the Said Amendments be taken into Consideration on *Munday* next.

A byll for the better supply of the Countrey with Armes & ammunition agreed to by the Councill in Case amendments be made therein.

And the said Amendments being read.

Ordered. That the said Amendments be taken into Consideration on *Munday* next.

A byll for prevention of Mischeifes from the *Maryland* Indians hunting in *Virginia* not assented to by the Councill

And then the house adjourned 'till *Munday* morning ten a Clocke.

Munday October the 26th 1696.

THE house Called over & M^r *Wilson* being absent.

Ordered. That the Messinger attending this house give him notice that he come not into the house againe to take his place before he make application to the house for admittance.

A motion being made by a member of the house relateing to the repayreing the Secretaries Office, and an order of the last house of burgesses touching the Same read.

Resolved, That it is necessary the said Office be repayed.

Ordered, That M^r *Attorney Generall* desire M^r *Secretary* to get y^e Same done with all Convenient Expedition, so far as the Office doth want repayre as now it is without further enlargement, and that he bring an Account of the Charge thereof to the next Assembly for allowance.

Then

Then according to Order the house tooke into Consideration the Amendments propofed by the Council to the byll appointing Rangers at the heads of the four great Rivers and therein haveing fpend fome time.

Resolved. That the house do adhere to the faid byll without any amendments either in title or body.

Ordered, That M^r *Baffet*, M^r *Sherman*, M^r *Ballard* & M^r *Goodrich* acquaint the Council with the Refolution of the house upon their amendments to the byll appointing Rangers at the heads of the four great Rivers and defire their honors Concurrence to the faid byll without any Amendments.

And then according to Order the house tooke into Consideration y^e Amendments propofed by the Council to the byll for the better fupply of the Countrey with Armes and Ammunition and therein haveing fpend fome time, the Queftion was put, that the house do agree to the amendments propofed by the Council.

And It paffed in the negative.

M^r *Baffet* Reported that the perfons appointed had acquainted the Council with the Refolution of the house upon the Amendments propofed by them to the byll appointing Rangers at the heads of the four great Rivers, and they were pleafed to Say, they would Consider of it.

And then the house adjourned 'till tomorrow ten a Clocke.

Tuesday October the 27th 1696.

THE house Called over and the abfence of thofe that did not appear was Excufed.

A petition of *Willis Wilfon* defiring to be admitted to take his place was read and he thereupon being Called into the house & heard what he had to fay in Excufe for his abfence, yefterday.

Ordered That the faid *Willis Wilfon* be Excufed & Admitted to take his place paying the Meffingers fees.

A Meffage from the Council by M^r *Robert Beverley* who brought into the house.

A byll for Regulateing and Afcertaineing County Court Clerkes fees agreed to by the Council.

And the booke of Reports of the Committee for publick Claimes agreed to by the Council, with a propofition of Certaine amendments & other further allowances to be made therein.

And the Same being read & allowances accordingly agreed upon & added to y^e Said booke of Claymes.

Ordered That M^r *Randolph*, M^r *Leigh*, M^r *Macon*, & M^r *Traverse* carry backe the faid book of Claymes to the Council & defire their Concurrence thereunto.

And they being returned M^r *Randolph* Reported that they had according to the Order of the house delivered the faid booke of Claymes to the Council.

And then the house adjourned 'till tomorrow morning ten a Clocke.

Wednesday October the 28th 1696.

THE house Called over & the abfence of thofe that did not appear was Excufed.

A Meffage from the Council by M^r *Robert Beverley* who brought into the house

A byll appointing Rangers at the heads of the four great Rivers agreed to by the Council, and the booke of Claymes with a Meffage in Writeing relateing to the Same.

An Engroffed byll for the afcertaineing County Court Clerkes & Sheriffs fees upon Probates & Adminiftrations being taken under confideration for the paffing, & the queftion put that the faid byll do pafs.

It paffed in the Negative.

A Message from the Councill in Writeing was read as followeth.

By the Councill.

Mr Speaker & Gentlemen of the House of Burgeffes.

Upon Consideration of yo^r allowance to the Officers attending the Generall Court we Cannot think fifteen pounds a reasonable or Suitable allowance, when one of yo^r Door-keepers is allowed as much as all the Officers attending the Generall Court. And therefore do propofe, that there be allowed to the faid Officers for their attendance the faid two Courts forty pounds *Sterling*, or ten thousand pounds of Tobacco & Caske, which being done the booke of Claymes is affented to.

By Order of the Councill

27th October 1796. [1696]

R. Beverley Cl Gen Aff^{ly}

And the faid Message being considered.

Resolved. That the house will not Exceed the sum of Twenty pounds in their allowance to the Officers that attended this & the last Generall Court.

Ordered That a message be forthwith prepared in Writeing to acquaint the Councill with the Resolutions of the house and to desire their honors Concurrence thereunto.

And accordingly a Message being prepared & read as followeth

May it please yo^r Honors.

The house of Burgeffes having Considered yo^r honors Message dated yesterday, wherein yo^r honors propofe that there be allowed forty pounds *Sterling*, or ten thousand pounds of Tobaço & caske to the Officers that attended this & the last Generall Court for such their attendance have agreed upon Twenty pounds *Sterling* to be allowed y^e faid Officers which they Esteem a Sufficient Reward & therefore have Resolved not to Exceed the same, unto which Resolution they humbly, desire your honors Concurrence and that the faid allowance being made in the booke of Claymes yo^r honors will returne the same affented to.

Ordered That Mr *Thompson*, Mr *Thorowgood*, Mr *Gyles* & Mr *Ben* doe forthwith Carry the faid Message together with the booke of Claymes to the Councill.

And being returned Mr *Thompson*, acquainted the house that they had delivered the faid Message & booke to the Councill

Ordered That Mr *Custis* & Mr *Waters* have Leave to make use of the first Con-
veniency for their getting Over the bay to their own habitations.

A Message from the Councill in Writeing being brought into the house together with the booke of Claymes by Mr *Robert Beverley* was read as followeth.

By the Councill

Mr Speaker & Gentlemen of the house of Burgeffes.

We have Considered your Message of this day, wherein you have agreed upon twenty pounds *Sterling* to be allowed the Officers that attended this Generall Court & the last, which we Cannot think a sufficient reward for such their attendance, and therefore do insift upon our former proposition of forty pounds *Sterl.* or ten thousand pounds of Tobaço & Caske to be allowed them which allowance being made in the booke of Claymes it is agreed to.

By Order of the Councill

R. Beverley Cl Gen Aff^{ly}

October 28th 1696.

Resolved. That the house will not recede from their former resolve relateing to an allowance to the Officers thatt attended this and the last Gen^l Court, to wit, that they will not Exceed the Sum of Twenty pounds *Sterling* for such attendance.

A Message to the Councill in writeing was sent by Mr *Sherman* Mr *Ballard*. Mr *Kennor* & Mr *Dudley* & is as followeth

May it please yo^r Honors.

The house of Burgeffes haveing Considered yo^r honors answer to their Message of this day, have resolved not to recede from their former Resolve, that they Cannot exceed the allowance of Twenty pounds *Sterling* to the officers attending this & the
last

last Generall Court & therefore humbly desire yo^r honors to Concu^rre with the house in the same. haveing at this time no other busin^ess before them then the Compleateing of the booke of Claymes, which is wanted that they may proceed to the Proportioning of the publick Levy.

And being returned M^r *Sherman* Reported that they had delivered the said Meffage to the Councill & they were pleased to say they would give an answer.

Ordered That M^r *Ballard* have Leave to goe to his own house upon Urgent Occasion. And then the house adjourned 'till tomorrow morning Ten a Clock

Thursday October the 29th 1696.

THE house called over

Ordered That M^r *Battle* have Leave to goe to his own house for recovery of his health.

A Meffage from the Councill by M^r *Robert Beverley* who brought in to the house the booke of Claimes assented to by the Councill According to the Amendments, and also acquainted the house that the Councill did Expect they would send the inrolled bylls that are passed for their perusall.

Ordered, That M^r *Leigh*, M^r *Harrison*, M^r *Sherwood*, & M^r *Washburn* Examine the Severall bylls which are inrolled, to the End they may with all Convenient speed be sent to the Councill for perusall

A Committee for Proportioning the Publick Levy.

M^r *William Randolph* Chairman

M^r *William Baffett*

M^r *Alexander Spence*

M^r *Gideon Macon*

M^r *John Withers*

M^r *Dudley Digges*

M^r *Richard Hayney*

M^r *Leigh* Reported that the Committee appointed had Examined y^e Enrolled bylls and that the same do truly agree with the Engrossed bylls.

Ordered That the said Committee carry both the enrolled bylls & the Engrossed bylls to the Councill for their Examination & perusall.

A byll for Raifeing a Publick Levy being read the first time.

Resolved That the said byll be read a Second time.

And then the house adjourned 'till tomorrow morning Eight a Clocke.

ffryday October the 30th 1696.

THE house Called over and

M^r *Randolph* Reported from the Committee for proportioning the Publick Levy that the said Committee had according to Order proportioned the same, which amounted to fixteene pounds of Tobacoe to be paid by every Tithable person in this Countrey and that there remained a Deposito in *Accomack* County of Two hundred pounds of tobacco, a deposito of four thousand two hundred ninety & three in *Princess Anne* County & of ninety seven pounds of Tobacco in *Elizabeth City* County, which Ninety Seven they had Given unto M^r *Miles Carry* Clerke of the Claymes.

And the said proportions being read.

The house agreed thereunto.

Ordered, That M^r *Benjamin Harrison* jun^r be allowed the next Assembly Two hundred & forty pounds of Tobacoe for so much paid him Short this Session.

Ordered That M^r *Treasurer Byrd* pay unto M^r *William Sherwood* the Sum of thirty seven pounds & Ten shillings *Sterling* out of the monyes in his hands from the Imposition upon Liquors.

Ordered That M^r *Treasurer Byrd* pay unto *Peter Beverley* fourteen Shillings out of the monies in his hands from the Imposition upon Liquors.

Ordered,

Ordered, That Mr Treasurer Byrd pay unto Mr Cope Doyley y^e Sum of Twenty pounds *Sterling* out of the monies in his hands from the Imposition upon Liquors.

Ordered That Mr Treasurer Byrd pay unto the Officers w^{ch} attended the two last Generall Courts the Sum of Twenty pounds *Sterl.* out of the monies which shall hereafter Come to his hands from the Imposition upon Liquors.

Ordered That the above said orders be Carried to the Councill for their Concurrence.

A motion being made by the Committee of Proportions that some Care be taken, to prevent the abuses which happen by Clerkes not returning the Lifts of Tithables to the Assembly.

Ordered That the Consideration of the said motion be referred to the next Assembly.

A byll for Raifeing a Publick Levy being read the 2^d time.

Ordered That the said Byll be ingrossed & read a 3^d time.

An Account of the mony, to wit, 106^l: 10^s: 03 ³/₄^d in the hands of Mr Treasurer Byrd from the Imposition upon Liquors & how the same is Ordered by this Assembly to be paid being prepared at the Table was read and passed the house.

An Engrossed byll for Raifeing a Publick Levy being read the 3^d time.

Resolved, That the said byll do pass.

Ordered, That Mr Sherwood, Mr Jordan, Mr Mason Mr Jenkins & Mr Benn carry forthwith to the Councill the byll for Raifeing a Publick Levy, the account of the mony in Mr Treasurer Byrds hands and how the Same is appointed to be paid, the severall orders agreed upon by the house for & Concerning payments to be made by Mr Treasurer And the Booke of Proportions of the Publick Levy and desire their honors Concurrence to each of the same.

And, they being returned Mr Sherwood Reported that they had according to the Order of the house delivered the said severall matters to the Councill & desired their Concurrence.

A Message from the Councill by Mr Robert Beverley who brought into the house the byll for Raifeing a Publick Levy agreed to by the Councill.

An Account of the mony in Mr Treasurer Byrds hands & how the same is appointed to be paid, agreed to by the Councill.

And Severall Orders agreed upon by the house Concerning payments to be made by Mr Treasurer agreed to by the Councill.

And the booke of Proportions of the Publick Levy agreed to by the Councill.

And he also acquainted the house that his Excellency having laid before the Councill An Address of the Clergy to him to be represented home. the Councill thought it of Concerne to this house & had therefore Sent a Copy of it to the house.

And the said Address being read at the Table as followeth

To his Excellency Sr Edmund Andros Kn^t his Maj^{ties} Liev^t and Governor Gen^l of Virg^a

The humble Address of the Clergy of Virg^a at a Gen^l meeting at James City June 25th 1696.

Whereas in answer to that part of yo^r Excellencies Speech to the present house of Burgeffes relating to his Majesties most Gracious Letter for Settling the Clergyes Sallaries in mony or Tobacco at the Current price, the said house instead of Remedying so Crying an Evill, gave Such a representation of the circumstances of the Clergy of this Countrey as if they needed not redress, and as if the greatest part of the Clergy were well Contented with their present provisions & all Informations to the Contrary had proceeded from none but such as are too Avaritiously inclined. We humbly pray (with all deference & respect to that Worshp^l house) that we may be allowed to make this true representation of our present Circumstances to yo^r Excell^{cy} & to speake the Sentiments of our own minds who best know Whether we are Satisfied with our present circumstances or not As to our Sallaries in Tobacoe w^{ch} we are obliged to receive at 12S ⁷/₈ hundred we cannot but looke upon it as a great Grievance, when noe other persons besides our Selves are obliged to take Tobacco at so high a rate. And yo^r Excell^{cy} knowes his Maj^{ties} Quit rents which Consist of the same Sort of tobacco are not sold for so much as halfe that price.

As to our considerable perquisites We beg leave to Informe yo^r Ex^{ty} that we have noe perquisites but for Marriages & a few funerale Sermons, and That by a Computation we have made of the Perquisites of the generality of our parishes we find they do not amount *comūnibus annis* to above five pounds ꝑ^a anūm

And for our Glebes w^{ch} are so Ornamentally discribed by the said house of Burgeses, we do averre, that in many parishes there are noe Glebes at all, and that in Severall parishes That have Glebes they are detained from the possession of the minister, and that where it is otherwise that the possession is allowed to the minister, they are soe destitute of houses, Orchards & other Conviencies that they are no way fitting for his Comodious reception & accomodation & one with another are not worth above forty or fifty Shillings ꝑ^a Anūm.

And which is as Grievous as all the rest we hold those mean Liveings so precariouly, that (not being inducted) we are at all times Liable to be turned out of them at the Vestryes pleasure without any Canonically objection either alledged or proved against us.

So that we must unanimously own that the Circumstances of the Clergy of this Countrey are most deplorable, & that the representation which was made thereof to his Majesty as Such was a good Service to this Church and pursuant to the Earneest desires of the Clergy thereof at their Generall meeteing in the yeare 1690.

And therefore We humbly pray.

That since the house of Burgeses hath Shewed so much averfeness to the relief of the Clergy yo^r Excellency would be pleased to make a favourable representation of our Sadd Circumstances to his most Gracious Majesty and to intercede for us that the same may be releived in Such way & manner as to his Royall Wisdom & goodnes shall seem most fitt & Convenient.

James Blair Comiss^{ry}

Cope Doyley

James Sclater

W^m Williams

Henry Pretty

Joseph Holt

George Robinson

John Ball

Aud^r Monro

Ch: Anderson

John Monro

J^{fran}: J^{fordyce}

Jonathan Saunders

And^r Cant

John Alexander

Ja: Wallace.

Oct^r the 30th 1696 a true Copy

E Jenings Dep^{ty} Sec^{ry}

Resolved, That the said Address doth Contain a most malicious Scandalous & unjust reflection upon the proceedings of the last house of Burgeses and in that a great & groundless abuse to the whole Countrey.

Resolved, That this house do stand Obliged to Vindicate the proceedings of the said house of Burgeses.

Resolved, That an address be prepared to his Excellency setting forth the true State of the Countrey in reference to their care & provision from time to time towards the Clergy & how ill some of their Conversations merit the Same, and to pray his Excell^{ty} that he will be pleased to represent the Subject matter of the Said Address to his Majesty for the Vindication of the house of Burgeses against the Scandalous & unjust aspersions of the Clergy.

Ordered, That it be referred to Coll^o Allerton, M^r Randolph, M^r Leigh & M^r Sherwood with all Convenient Expedition to draw up & bring in the said Address.

Resolved, That the thanks of this house be presented to the Councill for their favour in communicating to the house the Address of the Clergy to his Excellency, and that M^r Leigh, M^r Randolph M^r Sherwood, M^r Jenkins & M^r Thompson do the Same.

And then the house adjourned 'till tomorrow morning Seven a Clocke.

Saturday

Saturday October 31. 1696.

COLLO Allerton from the Committee to whome it was referred to prepare an Address to his Excellency, reported the said address which being read at the Table as followeth.

*To his Excellency Sr Edmund Andros Kn^t his Maj^{ties} Liev^t & Governor,
Generall of Virginia
May it please yo^r Excellency.*

The hono^{ble} members of his Maj^{ties} Councill haveing been yesterday pleased to Communicate to the house the Subject matter of an Address to yo^r Excell^{cy} Signed by Sixteen of the Clergy of this Dominion, which they stile the humble Address of the Clergy of *Virg^a* at a Generall meeting at *James City June* the 25th 1696. by Sending to this house a Copy of the Said address. We his Majesties most Loyall & Duetifull Subjects the Burgeses now Assembled, upon a Serious Consideration of the said Address finding it unjustly to reflect upon part of an Address of y^e last house of Burgeses to yo^r Excellency relateing to the provision for the ministers of this Countrey, esteem ourselves obliged as well in Vindication of the said house, as for Obviateing y^e ill consequences of that address if taken for truth, to lay before yo^r Excell^{cy} our Sense upon the Severall heads thereof, as they have laid them downe; first then we cannot but observe their Complaint Concerning their Sallaries to be without Cause, Since we know, that without Regard to paying them Tobaccoe at Twelve Shillings 7^d Cent, in a great many parishes or at least a great many Ministers for Severall small parishes in which they Officiate, nay even some of those w^{ch} have Signed the said address, receive from Sixteene thousand pounds of Tobaccoes to above twenty Thousand pounds of Tobaccoe every yeare and where it is not so we do Conceive that the allowance the Ancient Law gave for a Ministers maintenance doth equall in point of Livelyhood their Condition to a Gentleman's who hath a dozen or fourteen Servants of his own, And inasmuch as the Clergy heretofore as Eminent for Learneing & life as these, out of that allowance Lived plentifully & raised their fortunes, makeing no Complaints, We Cannot but Conclude they were generally Content, and we are very Sensible the present Clergyes Condition is in all respects as good as the former, and they as much Valued & Countenanced, Especially such of them whose Lives & Conversations merit it, & therefore Cannot see how their circumstances are so deplorable as they represent & Endeavour to make them. Indeed it must be Confessed Tobaccoe is not every yeare of an Equall Value, but it may be as truly observed, that their State keeps equall pace with the planters, and their yearly Maintenance is fuitable to the fortune of him that pays it, and it is to be remarqued that this yeare some ministers have had their Tobaccoes from Sixteen Shillings to twenty Shillings y^e hundred.

And the next thing they take notice of to be untruely represented by the said house of Burgeses, being their perquisites which they say *Communibus Annis* does not Exceed five pounds 7^d annum. We beg Leave to Informe yo^r Excellency that they Seldom or never have less then five hundred pounds of Tobaccoe & Caske for a funerall Sermon & sometimes a thousand for every Marriage by Lycense the Law gives them Twenty Shillings or two hundred pounds of Tobaccoe, and for every Marriage by askeing of banes fifty pounds of Tobaccoes, and if at a private house one hundred pounds of Tobaccoe at least is Given from all which We are of Opinion, their annuall perquisites at Lowest are two thousand pounds of Tobaccoe, And in very many places four thousand pounds of Tobaccoes: the next thing being the Glebes in what relates to them, we Cannot but observe their immodest reflection upon the house of Burgeses, and note that there are many and Considerable Glebes in the Countrey of far greater Value, then is by them sett downe, And if there be any parishes without a Glebe, where there is an Incumbent There was not a Law wanting to direct the provideing of one, and we are sensible such Care is & hath of late been taken to redress their Complaints on all Occasions, that they have no reason to fear wanting long, what they have a Lawfull

Right

Right to. And as to what they say relateing to severall parishes, where the Glebes are detained from the possession of the Minister, we Cannot apprehend that it is so, unless they mean in one parish where the Minister Comitted great Waste, whilst he had it, & the next thō Entertained to preach but once a fortnight, would have Leased to him. And to Sum up their Grievances with one Equall with all the former We observe they Complain of holding their Liveings precariouly & for want of Induction are at all times liable to be turn'd out at the Vestries pleasure, to which we must say in the behalfe of the Inhabitants of this his Maj^{ties} Dominion that they do Value & Esteem a minister of a good Life & Conversation and are not addicted to disagree with their Ministers, but on the Contrary to make use of all meanes of Encouragement their parishes will afford to keepe them, of which were it necessary we Could give ten instances for one, whereby fault of the Vestry a Minister hath been turn'd out or Excepted against, althō there are Severall Examples of Inducted Ministers who at their pleasures leave their parishes, and indeed no Minister can be hopeles of an Induction Since severall parishes have upon Experience of their Ministers Qualifications & Virtues, given them a presentation for it according to law. And it is but reasonable we presume a parish should be well satisfied in such affaires, nor can We think any good man will Expect an unremovable Settlement without givinge some Satisfaction or feare being removed when he is blameless.

Upon Consideration of all which may it please yo^r Excellency we Cannot but declare, the Complaint of the Clergy in the said Address to be without a Just Cause. And notwithstanding this present Assembly hath out of a Duetifull regard to his Majesties Commands recommended by yo^r Excellency for the better maintenance of the Clergy and to remove all pretences for future Complaints advanced the Sallary of the former Law to sixteene thousand pounds of Tobacoe yet We are of Opinion, that the last house of Burgeses had a due regard to the Circumstances of that time and are abused in being charged with Averseness to the relief of the Clergy as they have laid down, and doubt not in the least yo^r Excellencies Justice to favour the Countrey with a true representation of affaires upon this & all other Occasions, against whatever may be Endeavoured to its prejudice, whereupon humbly Confideing in yo^r Excellencies goodness We Leave the representing the Subject matter of this address, to do or forbear to do therein as to yo^r Excellencies Wisdom & It shall appear necessary.

The house agreed thereunto and Ordered the same to be forthwith engrossed.

And the said Address being fairely Engrossed and Signed by Mr *Speaker*

Coll^o *Allerton*, Mr *Randolph*, Mr *Leigh*, Mr *Sherwood* Mr *Harrison*, Mr *Basset* Mr *Digges*, Mr *Armistead*, Mr *Thompson*, Mr *Spence* Mr *Jenkins* & Mr *Thorowgood* were Ordered Immediately to attend his Excellency & present the said Address & likewise humbly to acquaint his Excellency that the house is ready to attend his Commands.

And being returned Coll^o *Allerton* Reported that they had according to Order humbly presented to his Excellency the said Address & acquainted him with the Message of the house.

A message from his Excellency by Mr *Robert Beverley*.

Mr *Speaker*

His Excellency doth Command the Immediate attendance of this house upon him in the Generall Court house.

And accordingly Mr *Speaker* & the house went to attend his Excell^{cy}

And being returned

Mr *Speaker* reported that his Excellency had been pleased to Give his assent unto fourteen bylls viz.

A byll for punishment of fornication & Severall other Sins & Offences.

A byll for altering Court dayes in *Accomack* County.

A byll for Givinge a Reward to Indians for killing of Wolves.

A byll for repealeing the Prohibition of planting Tobacoe after the last day of *June* Annually.

A byll for Ascertaineing damages upon Appeals.

A byll for Imposing penalties upon the non appearance of Evidences.

A byll Declareing how long Judgments & Specialties shall be pleadable.

A byll for Ascertaineing the place where the Court for *York* County shall be kept.

A byll for Ascertaineing the Gage of Porke, tarre & other barrells.

A byll for prevention of Clandeftine Marriages

A byll for the better Support & Maintenance of the Clergy.

A byll for regulateing & Ascertaineing County Court Clerkes fees.

A Byll appointing Rangers at y^e heads of the four great Rivers.

And A Byll for Raifeing a Publick Levy.

And that afterwards in Order to a recefs at this time his Excellency was pleased to Order, that the Burgesses do returne to their house, And Do adjourn 'till *Thursday* the Twenty ninth day of *Aprill* next.

Whereupon

The house was Accordingly adjourned untill the twenty ninth day of *Aprill* next, ten of the Clocke in the morning.

Thursday Aprill the 29th 1697.

THE house mett.

A Message to his Exc^y by M^r Leigh, M^r Sherwood, M^r Baffett, M^r Diggs, M^r Duke, M^r Thorowgood, M^r Ballard, M^r Dudley & M^r Cook, to acquaint his Excellency, that the house is mett & do wait his Exc^ys Comands.

And they being returned, M^r Leigh acquainted the house, that his Exc^y was pleased to say.

That it is an adjourned assembly, & that if the house had any thing to offer, he was ready to receive it.

The Certificate of the hon^{ble} Chr: Wormeley & Edm^d Jennings Esq^{rs} that they had administred the oaths prescribed by law, the test & the Oath of a Burges to M^r Thomas Edmundson one of the Burgeesses for Effex County was read, & the said Edmundson took his place.

Then an addres to his Exc^y after some debate, being prepared at y^e table was read as followeth

To his Excell^y S^r Edm^d Andros Kn^t his Ma^{ty} Liev^t & Gov^r Gen^l of Virginia.

The Humble address of the House of Burgeesses.

May it please yo^r Excellency

We his Majesties most Loyall & Duetifull Subjects the Burgeesses of this his M^{ats} most Ancient Colony & Dominion of *Virginia*, being now assembled & met according to the adjournm^t upon the 31 day of *Octob^r* last & takeing into confidera^{co}n, what proceedings we had made in the Severall parts of yo^r Excellencies Speech at the first meeting of this assembly & also in all other propositions & Grievances then laid before the house, do find, that we have thoroughly debated & resolved upon each of the same, and there being at this time no new matter either from yo^r Exc^y or his Ma^{ty}s duetifull & Loyall Subjects the Inhabitants of this Colony, whom we represent, to occasion a necessity of Sitting at this time, We are humbly of opinion, that a recess 'till a further time will be for the ease of the Country, in such method as seems most fit to yo^r Excell^ys wisdom.

And the said address being approved, the persons that before attended his Ex^y were Ordered to carry the Same & present it to his Exc^y.

And being returned.

M^r Leigh acquainted the house, that they had delivered the f^d address to his Exc^y according to the Order of the house, and that his Exc^y was pleased to say.

That unless the house found busines that required an earlier meeting he did consent that the house should adjourne 'till the 21 day of *Octob^r* next.

And thereupon the house did adjourn 'till the 21st day of *Octob^r* next ten a clock in the morning.

Thursday October 21st 1697.

MR Speaker and twenty Members more met & adjourned the house 'till tomorrow morning ten a clocke.

Friday October the 22th 1697.

ORDERED, that M^r Randolph, M^r Leigh, M^r Baffet, M^r Diggs, M^r Duke & M^r Ballard forthwith wait upon his Excellency and acquaint him, that there is an house met, and that they are ready to receive his Excellencies Commands.

And they being Returned

M^r Randolph acquainted the house, that his Excellency was pleased to Say, it was an adjourned Assembly and he Supposed the house would proceed to the busines before them.

The house adjourned 'till tomorrow morning ten a clocke.

Saturday

Saturday October the 23th 1697.

A MESSAGE from his Excellency by M^r Sherlocke
M^r Speaker

His Excellency Commands this Worpth Houfe, to attend him Immediately in the Generall Court houfe.

And accordingly the Houfe went down to attend his Excellency
And being returned.

M^r Speaker acquainted the houfe, that his Excellency was pleased to make a speech, the heads of which, M^r Speaker according to the best of his remembrance repeated to the houfe.

M^r Randolph acquainted the houfe that Coll^o Jennings Dep^{ty} Secretary had given him a copy of his Excellencies Speech, and the Severall Papers relateing thereto, which he said his Exc^y had directed him to deliver to him, in Order to have the Same laid before the houfe, and then presented the Speech and papers at the table.

Resolved, that the houfe doe take into consideration his Excellencies Speech & papers relateing thereunto on Munday next in the Morning.

Ordered, that the houfe be forthwith called over
and the houfe being accordingly called over.

Ordered, that the houfe be called over again on Munday Morning.

Ordered, that M^r Thompson, M^r Wilson, M^r Wafburn & M^r Hayney wait upon his Exc^y & in the name of the houfe pray his Exc^y to issue out a New Writ for the election of a Burgefs to Serve in this Affembly for Henrico County in the room of M^r William Byrd, who is gone out of the Countrey, a new writ for the election of a Burgefs to Serve in this Affembly for King & Queen County, in the room of M^r Joshua Story made Sherrif of the said County, a new writ for the election of a Burgefs to Serve in this Affembly for Isle of Wight County in the room of M^r James Benn dec^d. A new writ for the election of a Burges to Serve in this affembly for James City in the room of M^r William Sherwood dec^d A new Writ for the election of a Burgefs to Serve in this affembly for Nantzem^d County in the room of M^r Thomas Jordan made Sherrif of the Said County. A new Writ for the election of a Burgefs to Serve in this affembly for Warwick County in the room of M^r Richard Whitaker made Sherrif of the said County. A new Writ for the election of a Burgefs to Serve in this affembly for Richmond County in the room of M^r Samuell Traverfe made Sherrif of the said County. A new writ for the election of a Burgefs to Serve in this affembly for Northampton County in the room of M^r William Waters made Sherrif of the Said County.

Resolved and accordingly Ordered that all Propositions Grievances and Publique Claymes be brought into the houfe on Tuesday next lateft being the 26th day of this instant October or not received into this Seffion of Affembly.

Ordered, that the Clerk of the houfe publish the lateft time fet by the houfe for receiveing propositions, Grievances, & publique Claymes dureing this Seffion, by fetting up a fair copy of the Refolve of the houfe made this day in that behalfe, at the ftate houfe door.

The Petition of John Hix, Thomas Drawcutts, Richard Curtein, Will^m Harrifon & Richard Strickland to be admitted to a Doorkeepers place, being Severally Read, and there being but one Doorkeepers place Vacant,

Resolved that John Hix be admitted to Officiate therein.

Ordered, that Leave be given to M^r Henry Jenkins to goe into the Countrey for recovery of his health.

And then the houfe adjourned 'till Munday Morning ten a clocke.

Munday

Munday October the 25th 1697.

THE Houfe called Over, and being informed by a member of the houfe that Mr *Gideon Macon* lies dangerously Sicke

Ordered, that his abfence from attending the Service of the houfe be excufed.

Ordered, That Mr *Benoni Burroughs* be forthwith fent for in cuftody of the meffinger of the houfe to anfwer his default in not attending the Service of the houfe.

Ordered, that Mr *John Thorowgood* be fent for in cuftody of the meffinger of the houfe to anfwer his default in not attending the Service of the houfe.

Ordered, that Mr *James Ranfome* be fent for in Cuftody of the meffinger of the houfe to anfwer his default in not attending the Service of the houfe.

The houfe being informed, and it appearing that Mr *Mordecai Cook* is very Sicke.

Ordered, that his abfence from attending the Service of the houfe be excufed.

Ordered, that Coll^o *Ifaac Allerton* be fent for in Cuftody of the meffinger of the houfe to anfwer his default in not attending the Service of the houfe.

Mr *John Braffieur* haveing Signified by Letter his Sicknefs & prefent difability to attend the Service of the houfe.

It is Ordered that his abfence be excufed.

Ordered, that Mr *Thomas Hodges* be fent for in cuftody of the Meffinger of the houfe to anfwer his default in not attending the Service of the houfe.

Ordered that Mr *Thomas Mafon* be fent for in cuftody of the meffinger of the houfe, to anfwer his default in not attending the Service of the houfe.

Ordered, that Mr *Anthony Armiftread* be fent for in cuftody of the meffinger of the houfe, to anfwer his default in not attending the Service of the houfe.

Ordered, that Mr *Alexander Newman* be fent for in cuftody of the meffinger of the houfe, to anfwer his default in not attending the Service of the houfe.

Ordered, that Mr *John Cuftis* be fent for in cuftody of the meffinger of the houfe, to anfwer his default in not attending the Service of the houfe.

Mr *Speaker*, acquainted the houfe that Coll^o *Jennings* the Dep^{ty} Secrety. told him, that there fhould be Immediate care taken for iffueing out writs for the new Elections, according to the meffage of the houfe Sent by Mr *Thompson* to his Excellency.

Then according to Order the houfe tooke into confideration his Excellencies Speech, which was read at the table as followeth.

Gentlemen.

Soon after your adjournment, the *Pifcataway* Indians liveing on the North Side of *Potomack* River in *Maryland* came over to settle on this fide, & notwithstanding my reiterated directions & Orders to the Cheif Officers in *Stafford* County, have not been prevailed with to return to *Maryland*, but remain back in the woods beyond the little mountaines; I had alfo an account of a woman & three Children in *Stafford* County dangerously wounded by Indians, of which one condemned & executed and four cleared by a Court of Oyer & terminer. And I have lately had an account from the upper parts of *James* River of an *English* inan coming from *South Carolina* murdered and robbed by Some unknown Indians near *Roanok* River, and two Indians questioned at *Apamatucke* for the faid murther but cleared, were the Same evening killed by other Indians within our Settlements & habitations, on notice whereof I gave prefent Orders by all fitting meanes to endeavour the difcovery and apprehend or demand the murtherers to be proceeded againft, not yet effected, all which & Some proceedings in *Maryland* fent me relateing to Indians, I have Ordered to be laid before you, and further particular account to be given you by the Officers Concerned as Occafion, and now recommend the whole matter thereof to your prefent confideracons and Suitable cafe to be taken for the continued welfare and defence of this his Maj^{ty} Ancient Colony & Dominion & how neceffary a law for the well fetling the Militia, as alfo for juries efpecially for the Gen^l Court, of great import to be regulated and provided to attend

attend. And do not doubt your hearty joining in thanksgiving & prayers to Almighty God for his continued blessings on his Majesty & his Dominions, and that he will be graciously pleased to direct the proceedings of this present Generall Assembly.

as also Severall other papers to wit, the proceedings of the Court of Oyer & terminer for tryall of Indians, Some proceedings of the Government of *Maryland* about Indians & Severall Letters from Coll^o *Byrd* to his Exc^y & his Exc^y's answers thereunto, which were sent to the house with his Excellencies Speech.

And after some time Spent in consideration of the Same.

Resolved and accordingly *Ordered*, that his Excellencies Speech and Severall papers therewith transmitted to the house be referred to the Committee of Grievances & propositions to consider and report their Opinions thereupon.

A Proposition of *Yorke* County relateing to jurymen being Read.

Ordered, that the consideration of the Said proposition, be referred to the Committee of Grievances & propositions to report their Opinions therein.

The Propositions and Grievances of *Accomack* County being Read

Ordered, that the consideration of the Said propositions & Grievances be referred to the Committee of Grievances & propositions to report their Opinions therein.

Ordered, that the Committee of Grievances & propositions & the Committee for Publique Claymes goe out & proceed upon the busines before them.

Ordered, that Mr *Leigh* be Chairman of the Committee of Grievances & Propositions during the absence of Coll^o *Allerton*.

Ordered, that Mr *George Mason* & Mr *Alexander Spence* be added to the Committee of Grievances & propositions.

And then the house adjourned 'till tomorrow morning ten a clocke.

Tuesday October the 26th 1697.

THE house called over & the absence of Some that did not appear was excused. A Letter from Coll^o *Ifaac Allerton* Signifying his Sicknes & present disability to attend the Service of the house being Read.

Ordered, that his absence be excused & that no Warrant issue upon the Order of yesterday for Sending for him in custody of the Messenger of the house.

Mr *Leigh* from the Committee of Grievances & propositions Reported that the said Committee had taken into consideration, the Severall matters to them referred, and had agreed upon diverse resolutions, which he read in his place & then delivered them in at the table, where being again read the house entred into an Immediate consideration of the Same.

And upon consideration of the Report of the Said Committee upon that part of his Excellencies Speech giving a Relation of the mischeifs done by Indians & recommending a Suitable care for the continued welfare & defence of this Dominion, the house agreed to the Report of the Committee & thereupon

Resolved, that a Conference be desired with the Councill upon that part of his Excellencies Speech, which relates the mischeifes lately done by Indians & recommends to the consideration of this assembly that Suitable care be taken for the continued welfare & defence of this Dominion.

Ordered that Mr *Withers* Mr *Battail* & Mr *Wilson* desire a conference accordingly & move the Councill that they will be pleased to appoint Some of their members & time & place for holding the said conference with Such members of this house as shall be appointed.

And upon consideration of the Report of the Said Committee upon that part of his Excellencies Speech recommending to this assemblies consideration how necessary a law may be for the well settling of the Militia, the house agreed to the Report of the Committee and

Resolved,

Resolved, that the Severall Lawes of this Countrey now in force if put in due execution, doe Sufficiently provide for the Regulation & Settlement of the Militia thereof.

And upon consideration of the Report of the Said Committee upon that part of his Excellencies Speech recommending to this assemblies consideration, how necessary a law about Juries, and especially for the Generall Court, the house agreed to the Report of the Committee, that the Same is at present a Matter of great difficulty, but worthy of mature deliberation & therefore

Ordered, that the consideration thereof be referred to the next assembly.

And upon Consideration of the Report of the Said Committee upon a Grievance from Several of the Inhabitants of *Accomack* County about Dollars & other Coin & that the value may be ascertained.

the house agreed to the Report of the Committee, that it is a Matter of great consequence & worthy an assemblies' consideration and therefore

Ordered that the consideration thereof be referred to the next assembly.

And upon Consideration of the Report of the Said Committee upon a proposition from *Accomack* County about loose & Vagrant persons not lifting themselves according to law & paying levies.

the house agreed to the Report of the Committee, that the Lawes already made in Such cases, if put in due execution, doe Sufficiently provide and therefore

Ordered, that the Said Proposition be rejected.

And upon consideration of the Report of the Said Committee, upon a proposition from *Accomack* County, that a law may be made giving a further encouragement for killing of wolves.

the house agreed to the Report of the Committee, that the Lawes already made doe give Sufficient encouragement to all persons for killing of wolves & therefore

Ordered, that the Said proposition be rejected.

And upon consideration of the Report of the 1st Committee upon a proposition from *Yorke* County concerning juries.

Ordered, that the consideration of the said proposition be referred to the next assembly.

Resolved, that an address be made to his Exc^y to return his Excellency the thanks of the house for the favour of his Speech, & to Signify to his Exc^y the resolutions of the house upon consideration of the Severall parts of the Same.

Ordered, that it be referred to M^r *Leigh*, M^r *Harrison* & M^r *Ballard* to prepare an address accordingly.

Cap^t *Randolph* from the Committee of Publicke Claimes Reporting to the house that the said Committee having before them divers Claimes from *Stafford* County amounting to a considerable Sum of tobacco occasioned by the mischeifes done by the Indians in those parts, in which they know not how to proceed in regard the Same were unprejudiciall and therefore Submitted the said claimes to the consideration of the house for direction.

Resolved, that the Said Claimes of *Stafford* County ought to be brought to the Countrey Charge. and therefore

Ordered that they be referred to the consideration of the Committee for Publique Claimes to Regulate & allow.

The petition of *Robert Beverley* Clerk of the Generall Court for an allowance for repaying the Secretaries Office & payeing y^e Court yard.

The petition of *William Stone* for One yeares Salary as an Interpreter.

The petition of *Peter Beverley* Clerk of the house for an allowance for transcribing & transmitting to *England* Severall Copies of the journall & lawes of the last Session.

The petition of *George Mason* Comd^r of the Rangers in *Stafford* County for allowance for extraordinary trouble in entertaining Indians at his house in the late disturbances.

The petition of *John Withers* for allowance for extraordinary trouble & charge occasioned by the late Indian troubles.

The

The petition of *John Kimborough* a Pensioner for a years allowance.

The petition of *Thomas Blunt* an Interpreter for a yeares Salary and the petition of *Dionifius Wright* for allowance as Clerke of the Church, being Severally Read.

Ordered, that the confideration of the Said Severall petitions be referred to the Committee of Publique Claimes to report their Opinions therein.

The proposition of M^r *John Washburne* & M^r *Richard Bayley* about the fines for concealed tithables being Read,

Ordered that the confideration of the said proposition be referred to the Committee of Grievances & propositions to report their Opinions therein.

Ordered, that the Committee for Publique Claymes at Some convenient time go to M^r Auditor *Byrd* & desire him to lay before the house, the Severall Collectors accounts & his account thereupon of the 4^d ^q^r gallon upon liquors Since the last Session of assembly.

The petition of M^r *Anthony Armistead*, who was Ordered to be sent for in Custody of the messinger, wherein he desired to be admitted to shew his reasons for not attending the Service of the house earlier, being read

he was thereupon called into the house & being there heard what he had to say, & withdrawn

Ordered, that the Said *Anthony Armistead* be excused & admitted to take his place in the house.

The petition of M^r *James Ransone*, who was Sent for in custody of the Messinger, wherein he prays to be admitted to give reasons for his not attending the Service of the house earlier, being read

he was thereupon called into the house & being there heard what he had to Say & withdrawne.

Ordered, that the Said *James Ransone* be discharged out of Custody paying fees.

And then the house adjourned 'till tomorrow morning ten a clock.

Wednesday October the 27. 1697.

M^R *Withers* from the persons appointed to desire a Conference wth the Councill, upon that part of his Excellencies Speech, which relates the mischeifes lately done by the Indians & recomends a Suitable care for the continued welfare & defence of this Dominion, acquainted the house that they had been with the Councill & desired a conference accordingly & that the Councill were pleased to Say, they would answer the message presently.

A Message from the Councill by M^r *Sherlocke*.

M^r *Speaker*.

The Councill haveing received a message from this house desireing a Conference with them upon that part of his Excellencies Speech relateing to Indians, In answer thereto, I am ordered to acquaint this house, that the Councill doe agree to the Conference, and have appointed three of their Members to meet Such as Shall be appointed by this house in the great Hall at five a clocke this afternoone.

Ordered, that M^r *Leigh*, M^r *Randolph*, M^r *Baffet*, M^r *Taylor* M^r *Harrison* & M^r *Withers* be appointed Managers for the house in the Conference desired with the Councill, upon that part of his Excellencies Speech, which relates the mischeifes lately done by the Indians, and recomends a Suitable care for the continued welfare and defence of this Dominion And that they give their attendance at time & place appointed for holding the conference according to the Councill's message of this day.

The Return upon the Writ for election of a Burgess for *James City* in the room of M^r *William Sherwood* dec^d being Read,

Resolved that M^r *Phillip Ludwell jun^r* is duely elected & returned a Burgess to Serve in this assembly for *James City*, in the room of M^r *William Sherwood* dec^d

M^r

Mr Leigh from the Committee appointed to prepare an address to his Exc^y to give him the thanks of the house for the favour of his speech & to Signify the resolutions of the house upon consideration of the Severall parts thereof, reported, that the said Committee had prepared an address accordingly, which he read in his place & then delivered it in at the table, where being again Read as followeth

To his Excellency S^r Edmund Andros Kn^t his Maj^{ty} Lieut & Governor Generall of Virginia.

The Humble Address of the House of Burgeses.

May it please your Excellency.

We his Majesties Loyall & Dutifull Subjects the Burgeses now assembled in *James City* in his Maj^{ty}s most Ancient Colony & Dominion of *Virginia*, haveing upon this meeting had the favour of yo^r Excellencies Speech, wherein you are pleased to give us a brief acco^t of the *Piscataway* Indians comeing over from *Maryland* & settling on this side *Potomack* River of Some mischeifes done in *Stafford* County & others in the upper parts of *James* River by Indians together with what hath been already Ordered and done upon those unhappy Accidents, to Check & prevent further dangers on the frontiers; And for our more full information therein, Yo^r Exc^y haveing been pleased to lay before us the proceedings of the Court of Oyer & terminer, Some proceedings in *Maryland* relateing to Indians, and the particular accounts w^{ch} yo^r Exc^y had from the upper parts of *James* River, We esteem our Selves obliged to return your Exc^y Our most humble & unfeigned thanks for the Same & to acknowledge that we & this whole Colony Stand exceedingly bound to your Exc^y for the great care hath been taken on this Occasion to punish the Malefactors found and to the effect the discovery & apprehension of those that are not.

And to the end we may not be wanting in Our duety for the continued peace, Security & defence of this his Maj^{ty}s Ancient Colony & Dominion, with as much dispatch as may be, we have desired a conference with the honorable Councill what may be thought necessary at this time to be done, to maintain & Support it therein, from mischeifes & Incursions, w^{ch} may be feared from Indians or any other enemies, being all the proceedings we have yet made upon that head of yo^r Excellencies Speech.

Another part of your Excellencies Speech recommending to our consideration, how necessary a law for the well settling of the Militia, we have Seriously considered, as also the Severall lawes now in force relateing to the Militia, and are humbly of opinion, that if they be put in due execution, they doe Sufficiently provide for the well settling and regulateing thereof.

And because upon consideration of that part of yo^r Excellencies Speech relateing to a law about juries & more especially for the Generall Court we do find to be at present a matter of great difficulty, as well as worthy a mature deliberation, we are desireous the Same should be weighed in a more full assembly, then we can possibly now expect without a long Session, if we wait for the filling our house with the new Elections & the recovery & comeing of a great many members absent, and therefore it being best as we humbly Conceive, we have Ordered that the consideration of that matter Stand referred to the next Assembly.

And doe heartily join with your Exc^y in Our prayers that God Almighty will be graciously pleased to direct the proceedings of this Session, in all things most necessary for his Glory, the Honor of his Majesty and the welfare of this Colony and Dominion.

The Same was approved by the house & Ordered to be fairly transcribed and Signed by Mr Speaker, in order to be presented to his Exc^y.

Ordered, that Mr Leigh, Mr Harrison, Mr Ballard, Mr Ransone, Mr Dudley, Mr Hayney Mr Mason, Mr Thompson, Mr Wilson, Mr Washburn, Mr Goodrich & Mr Bayley present the said address to his Excellency.

Mr Leigh from the Committee of Grievances & propositions Reported that the Said Committee had taken into Consideration the proposition of Mr John Washburn & Mr Richard Bayley, that a law be made for the amendment & explanation of Severall Acts
of

of Affembly relateing to the difcovery of Concealed titheables & the difpofition of the fines therein impofed, and had therein come to a refolution, which he read in his place and then delivered it in at the table where being again read, the houfe agreed thereunto.

that the Severall Lawes relateing to the difcovery of Concealed tithables & the Difpofition of the fines therein impofed, are very uncertain & ambiguous & worthy the confideration of An Affembly and therefore

Ordered, that the confideraçon of the Said Propofition be referred to the next affembly.

A Petition of *John Grice* Sherrif of *James City* County for an allowance for his attendance at the Generall Court. and

A Petition of *Robert Beverley* for an allowance for a booke of tranfcribed patents, being Severally Read.

Ordered, that the confideration of the Said Severall Petitions be referred to the Comitte for Publique Claymes, to inquire into the matter of the Said petitions & to report their opinions therein.

Mr Randolph from the perfons yefterday appointed to Speake to *Mr Auditor Byrd* to lay before the houfe the acco^{ts} of the 4^d $\frac{7}{8}$ gall. upon liquors Reported, that they had according to Order been with *Mr Auditor* & delivered the meffage of the houfe, and that *Mr Auditor* had thereupon given them Severall Collectors acco^{ts} of the Said Impofition & his own acc^t thereupon, which he delivered in at the table.

Ordered that the accounts of the Impofition of 4^d $\frac{7}{8}$ gall on liquors this day brought into the houfe by Cap^t *Randolph* be comitted unto *Mr Harrifon* *Mr Bayley* & *Mr Wafburne* & that they acquaint Coll^o *Scarburgh*, that the houfe do obferve an Omiffion in his acco^t which they expect to be regulated.

Ordered, that the faid Comitte goe to *Mr Auditor Byrd* & acquaint him, that the houfe doe defire, Coll^o *Hills* account be proved upon Oath, and that *Mr Auditor* will take Immediate care, that an account be rendred of the Impofition for the Liquors imported into Coll^o *Parks* Diftrict & *Rappahanoc* River, which have not yet been accounted for.

And then the houfe adjourned 'till to morrow morning ten a clock.

Thursday October the 28th 1697.

THE Certificate of the hono^{ble} *Christopher Wormeley* & *Edm^d Jennings* Efq^{rs} that they had adminiftered the Oathes prefcribed by law, the teft and the Oath of a Burgefs, unto *Mr Phillip Ludwell* Burgefs for *James City* was read, and the faid *Phillip Ludwell* tooke his place.

Mr Leigh from the perfons appointed to prefent the addrefs of the houfe of yefterday to his Exc^v acquainted the houfe, that they had accordingly prefented the 1^d addrefs and his Excell^v was pleafed to receive it.

Mr Leigh from the Conference with the Councill yefterday reported the Severall paffages at the faid conference, and that the Councill at laft were pleafed to Say, that they would communicate to the body of the Councill the matter of the faid Conference, and that the houfe fhould hear further from them if occafion.

A Meffage from the Councill by *Mr Sherlocke*
Mr Speaker.

His Exc^v having laid before the Councill yo^r addrefs of yefterday, on confideraçon thereof, the Councill defire a Conference with yo^r houfe about the matter relateing to the Indians & the Militia, and to that end have appointed three of their number to meet Such members as this houfe fhall appoint, tomorrow morning nine a clocke in the great Hall.

Ordered, that the perfons who managed the laft conference held with the Councill, be appointed Managers for the conference this day defired by the Councill, about
the

the matter contained in the address of this house to his Exc^y of yesterday, relating to the Indians & the Militia, and that they give their attendance at time & place appointed for holding the Conference.

Mr *Harrison* from the persons appointed to acquaint Coll^o *Scarburgh* with an Omiffion which the house had observed in his account of the imposition upon liquors, reported that they had accordingly done it & made him Sensible of the Omiffion, whereupon he promised to regulate the Same, and that he would account for it to Mr *Auditor*.

And Mr *Harrison* further acquainting the house, that they had delivered the message of the house to Coll^o *Byrd* about the Liquor imported into Coll^o *Parks* District & *Rapp*^s River & with his answer thereupon.

Ordered that the s^d persons acquaint Mr *Auditor Byrd*, that the house doe expect an account from him of the Imposition upon Liquors, as Treafurer, and that he take care to bring the Severall Collectors thereof to render an account to him.

The petition of *Edward Rofs* for an allowance for cleaning and lookeing after the Burgeffes Chamber being Read.

Ordered, that the consideration of the said petition be referred to the Committee for Publique Claymes.

Ordered, that it be referred to the Committee for Publique Claymes to consider what allowance may be proper for the trumpeter that attended the Justices of Oyer & Terminer, for tryall of the Indians, and to report their Opinion to the house

The petition of Mr *Alexander Newman*, who was sent for in custody of the messenger, wherein he prayes to be admitted to give reasons for his not attending the Service of the house earlier being read

he was thereupon called into the house, and being there heard, what he had to say & withdrawn

Ordered, that the Said *Alexander Newman* be discharged out of Custody paying his fees.

And then the house adjourned 'till tomorrow morning ten a clock.

Fryday October the 29th 1697.

MR *Leigh* from the conference with the Councill upon the part of the address of this house to his Excellency, which relates to the Indians & the Militia reported the Subject matter of the Said Conference and the house entred into an Immediate consideration of the Same & thereupon agreed on Resolves as followeth.

Resolved that what methods and Orders this Government hath already taken to cause the *Piscataway* Indians which came from the North Side of *Patomecke* River in *Maryland* & are settled on this Side, to return to *Maryland* again, have been very prudent & as much as necessary & fit, and that it will be very Inconvenient for the Peace of this Government to make use of any forcible wayes to remove them.

Resolved, that it is Expedient, that the four Indians w^{ch} Stand committed to the prison of *Stafford* County by the Justices of Oyer & terminer for tryall of the Indians untill further Order from the Government be now released.

Resolved, that the Matter of the Conference with the Councill, relating to the Militia, is fully answered in the address of this house to his Exc^y in a part of the said address upon y^t head, in regard the house doe Still continue in the Same opinion viz:

That the Lawes already made relating to the Militia, if put in due Execution, do Sufficiently provide for the Regulacon & Settlement thereof.

Resolved, that a written message be prepared Signifying the Severall Resolucons of this house on consideracon of the Report from the Conference with the Councill relating to the Indians & Militia, and put to the Councill for the answer of this house, to the propositions of the Councill in the Said Conference.

Ordered,

Ordered, that it be referred to the Committee of Grievances & propositions to draw up a message in writing accordingly, and to report it to the house.

Mr *Randolph* from the Committee of Publique Claymes Reported that the said Committee had taken into consideration, the Severall matters of Claym to them referred & had agreed upon diverse resolutions therein, w^{ch} as usuall, they had entred in One booke, called a book of Reports of the Committee for Publique Claymes and had directed him to present the said booke to the house.

And thereupon the Said book of Reports being presented at the table, the house tooke the Same into Immediate consideration and haveing read it thorough, the Severall articles therein contained, were agreed to by the house, with Such additions & alterations, as are noted down in the body & Margent of the said Reports.

Resolved, that the house do forthwith Resolve into a Committee of the whole house to take into consideration allowances for the respective Officers that attended this & the last meeting of assembly & all such further allowances as are to be added to the book of Reports of the Committee for Publique Claymes.

And accordingly

The house Resolved into a Committee of the whole house to take the said allowances into consideration & Mr *Randolph* took the chayr wherein haveing Spent sometime, Mr *Speaker* resumed the chair & Mr *Randolph* Reported

that the Said Committee had agreed upon Severall allowances which he read in his place & then delivered them in at the table where being again read, the Same were agreed to by the house & annexed to the book of Reports of the Committee for Publique Claymes.

Resolved, that Mr *Speaker* have the thankses of this house for his great care & faithfulness in discharging the trust of Speaker.

And Mr *Randolph* gave the thankses of the house to Mr *Speaker* accordingly
whereas the three last Sessions of Assembly have thought fit to take off the allowance usuall given to the Speaker of the house of Burgeesses.

Resolved and accordingly *Ordered*

That hereafter it remayn a Standing Rule of the house of Burgeesses to give no allowance to their Speaker.

Mr *Harrison* Reported, that the persons appointed to deliver a message from the house unto Mr Auditor *Byrd* yesterday, had accordingly done it, & that thereupon he told them he had taken care to get a warrant to bring the late Deputy Collector of the Lower District of *James River* to account for the Imposition on Liquors rec^d & not accounted for.

Ordered, that Mr *Sherman* Mr *Wilson*, Mr *Goodrich* & Mr *Thompson* carry the book of Reports of the Committee for Publique Claymes together with the additions this day made in the house to the Councill & desire their concurrence to the Same.

And then the house adjourned 'till tomorrow morning ten a clocke.

Saturday October the 30th 1697.

MR *Leigh* from the Committee of Grievances & Propositions Reported that the said Committee had prepared a written Message to y^e Councill, according to the Order of the house yesterday, which he read in his place & then delivered it in at the table, where being read again as followeth

May it please your Honors.

A Report being made to this house of the Subject Matter of the Conference held yesterday with some of the Councill. upon that part of the address of this house presented to his Excellency which relates to the Indians & Militia, in which Conference your Honors were pleased to make some propositions and to desire the Opinions of the house thereupon, the house took the Same into Immediate consideration and upon
that

that part which concerns the *Piscataway* Indians, which came from the Northside of *Patomeck* River in *Maryland*, and still remains settled on this Side, the house having duly considered the proceedings of *Maryland* relating to them and that his Exc^s the Gov^r Since the coming of the said Indians on this Side hath repeated his directions and Orders to the chief officers in *Stafford* County to advise the said Indians to return to their habitations in *Maryland*, and it appearing that the said Indians have been thereupon frequently by the said Officers advised so to do but have not been prevailed with.

It is the Opinion of this House

That those methods taken by this Government were very prudent and as much as was necessary & fit, (considering all circumstances) to be done, to effect their returne.

And it is further the Opinion of this House

That as no Countenance is given them to tarry here; but on the contrary all persuasive wayes used to make them return to their former abodes in *Maryland*, So, that it may be Inconvenient and of evill consequence to endeavour their Removeall by wayes of force, in regard Such violence is very likely to create a great interruption of the Peace of this Country & may be attended with the loss of a great deal of Christian blood, as well as other mischiefs of a less nature, and yet not be Sufficient to keep them out of this Government longer then they please themselves.

And forasmuch as the four Indians which stand committed to the prison of *Stafford* County by the Justices of Oyer & terminer for tryall of the Indians, have upon their tryalls been cleared & remayn in custody for Security for their future behaviour, in respect of the circumstances of that sort of People as incapable of finding Security worth the taking, the House doe thinke it Expedient, that the said four Indians be released.

And upon consideration of that part of the Conference which relates to the Militia, the house doe continue in the Same Opinion, w^{ch} in their addrefs, they have Signified to his Excellency.

That the Lawes already made relating to the Militia, if put in due execution, doe Sufficiently provide for the Regulation and Settlement thereof.

All which is humbly offered as the answer of this house to severall propositions of the Councill at the Conference.

the same was agreed to by the house & Ordered to be sent to the Councill.

Ord^s that y^e Committee y^t prepared the s^d message carry it to the Councill.

M^r *Sherman* Reported that the persons appointed, had carried the Councill y^e Reports of the Committee for Publique Claymes with the additions thereunto made in the house & had desired their concurrence, upon which the Councill were pleased to say that they would consider of them.

The petition of M^r *Benoni Burroughes* & M^r *John Thorowgood*, who were sent for in custody of the Messinger, wherein they pray to be admitted to lay before the house the obstructions, which have hitherto prevented their attendance upon the Service of the house being Read.

they were thereupon called into the house & being there heard what they had to Say & withdrawne.

Ordered that the said *Benoni Burroughes* & *John Thorowgood* be discharged out of Custody paying fees.

M^r *Newman* being Sick & moveing the house for Leave to goe to his own house in the Countrey for recovery of his health.

Leave was given accordingly

Ordered, that Leave be given to M^r *John Battail* to goe into the Countrey for recovery of his health.

The house adjourned 'till *Munday* Morning ten a clocke.

Munday

Munday. November the 1st 1697.

THE petition of M^r *Thomas Hodges* & M^r *Thomas Mafon*, who were sent for in custody of the Messinger, wherein they pray to be admitted to lay before the house, the matter of their Excuse for their not attending the Service of the house earlier, being Read.

they were thereupon called into the house, & being there heard what they had to say & withdrawne

Ordered, that the said *Thomas Mafon* & *Thomas Hodges* be discharged out of Custody paying fees.

The house called Over.

M^r *Speaker* acquainting the house that he had rec^d from M^r Auditor *Byrd*, a Copy of the Collector of *Rappahanock* his acco^t of the duty on Liquors & also a new acco^t of his own thereupon w^{ch} made the ballance £ 66: 06: 04 1/4 in his hands, and that M^r Auditor told him, that the Deputy Collector of the Lower District of *James River* had been sent for, but being sick, had sent word, that he had fully accounted for the duty upon liquors unto Coll^o *Parke*.

Ordered, that M^r *Harrison* with the persons before appointed goe again to M^r Auditor *Byrd* & acquaint him that the house doe desire, he will take care to have an account of the duty upon Liquors not yet accounted for from Coll^o *Parke* by the first Convenience.

The Certificate of the honorable *Chr: Wormeley* & *Edmund Jennings Esq^{rs}* that they had administred the Oathes prescribed by law, the test & the Oath of a Burgeiss unto M^r *Robert Hubberd* Burgeiss returned for *Warwick County* & M^r *James Cock* Burgeiss returned for *Henrico County*, was read at the table.

And thereupon the Return upon the writ for election of a Burgeiss for *Warwick County* in the room of M^r *Richard Whitaker* being Read

Resolved that M^r *Robert Hubberd* is duely elected & returned a Burgeiss to Serve in this assembly for *Warwick County* in the room of M^r *Richard Whitaker* made Sherriff of the 1st County.

And the Return upon the Writ for election of a Burgeiss for *Henrico County* in the room of M^r *William Byrd* being Read

Resolved that M^r *James Cocke* is duely elected and returned a Burgeiss to Serve in this assembly for *Henrico County* in the room of M^r *William Byrd*, who is gone out of the Countrey

The house adjourned 'till tomorrow morning ten a clocke.

Tuesday November the 2^d 1697.

A MESSAGE from the Councill by M^r *Sherlock*.
M^r *Speaker*

I am Comanded by the hono^{ble} Councill to return the book of Claymes with this written Message, which being read at the table as followeth-

By the Councill

M^r *Speaker* & *Gentlemen of the House of Burgeffes*

The Councill haveing considered the book of Claymes agree to the Same with the following amendments & additions.

That the Sherriff of *James City County* be allowed for his attendance at the Generall Court two thousand pounds of tobaccoe & Caske more then allowed in the book of Claymes, the name of the Trumpeter being Omitted, to be inserted, viz *Thomas Reeves*. The name of the Clerke of the General Assembly being omitted, to be inserted viz M^r

James

James Sherlocke, Rachell to be inferted between *M^{rs}* and *Sherwood*, and *Cask* omitted to *George Reed* for one thoufand & eighty pounds of tobaccoe to be added.

By Order of the Councill

James Sherlock Cl Gen Aff^{ly}

November 1st 1697.

the houle tooke the Same into Immediate confideracon and agreed to the Said amendmets and additions for this time, but the allowance to the Sherriff of *James City* not to be drawn into president thereby.

Ordered, that the amendmets and additions propofed by the Councill to be made in the booke of *Claymes*, be accordingly inferted in the booke & the faid book with the faid amendmets & additions fent to the Councill for concurrence.

Ordered, that the perfons who before carried the book of *Claymes* to the Councill for Concurrence, doe now carry the Same with the amendmets & additions thereunto made for the Councills View, that they are entred therein according to their propofition & defire their Concurrence.

And they being returned, *M^r Sherman* acquainted the houle that they had been with the Councill according to the Order of the houle and that upon view of the amendmets, the Councill had affented to the book of *Claymes*.

M^r Harrifon Reported that the perfons appointed, had delivered the meffage of the houle to *M^r Auditor Byrd* of yeiterday & had received from him a further acco^t of *Coll^o Scarburghes* which being added to *M^r Auditors* former acco^t makes the ballance £ 68: 00: 02 ¼ in his hands.

And *M^r Harrifon* further Reported, that *M^r Auditor* Said no Care fhould be wanting in him to get a full account of the Imposition in *Coll^o Parks* hands by the firft opportunity.

Ordered, that *M^r Duke* & *M^r Harrifon* be added to the Co^mittee for proportioning of the Publique Levy

Ordered, that *M^r Baffet* be Chairman of the Said Co^mittee in y^e room of *M^r Randolph* who is abfent.

The houle adjourned, till tomorrow morning nine a clocke.

Wednesday November 3^d. 1697

M^R *Baffet* Reported from the Committee for proportioning the Publique Levy, that the Said Co^mittee had according to Order proportioned the Same, which amounted to Sixteen pounds of tobaccoe to be paid by every titheable person in this Countrey and that there remaynes a Deposito in *Princefs Anne* County of nine thoufand five hundred Seventy & One pounds of tobaccoe, of fifteen hundred forty & Seven in *Norfolk* County and of one hundred Seventy & two in *Nanfimumd* County besides an old Deposito of four thoufand two hundred ninety & three pounds of tobacco in *Princefs Anne* County for which the Executors of *M^r Thomas Cocke* late Sherrif are anfwerable to the Countrey.

And the Said Proportions being Read

the houle agreed thereunto

A byll for Rayfeing a Publique Levy Read the firft time

Ordered, that the faid bill be read a 2^d time

A byll for Rayfeing a Publique Levy Read the 2^d time.

Ordered, that the faid byll be engroffed & read a 3^d time.

Ordered, that *M^r Treafurer Byrd* pay unto *M^r Robert Beverley* fifty three pounds & two pence farthing, out of the monies in his hands from the Imposition upon Liquors.

Ordered, that *M^r Treafurer Byrd* pay unto *M^r Cope Doyley* ten pounds *Sterl.* out of the monies in his hands from the Imposition upon Liquors.

Ordered, that *M^r Treafurer Byrd* pay unto *M^r Corbyn* five pounds *Sterl.* out of the monies in his hands from the Imposition upon Liquors

Ordered,

Ordered, that M^r Treafurer *Byrd* pay unto M^r *Robert Beverley* five pounds eighteen shillings three pence three farthings out of the monies which shall come to his hands from the Imposition upon Liquors of the Lower District of *James River* not accounted for

Ordered, that the abovefaid Orders be carried to the Council for their Concurrence.

An acco^t of the mony to wit £ 68: 00: 02 $\frac{1}{4}$ in the hands of M^r Treafurer *Byrd* from the Imposition upon Liquors & how the Same is Ordered by this assembly to be payd, being prepared at the table was read and passed the house.

An engrossed byll for Rayfeing a publique Levy being Read the 3^d time.

Resolved, that the said byll doe pass.

Ordered that the Committee for proportioning the Publique Levy forthwith carry to the Council,

the byll for Rayfeing a publique Levy.

the acco^t of the mony in M^r Treafurer *Byrds* hands and how the same is appointed to be payd.

the Severall Orders agreed upon by the house for and concerning payments to be made by M^r *Treafurer*.

and the book of proportions of the Publique Levy.

and desire their Honors Concurrence to each of the Same.

M^r *Basset* Reported, that they had according to the Order of the house delivered the said Severall matters to the Council and had desired their Concurrence.

A message from the Council by M^r *Sherlocke*, who brought into the house.

the byll for Rayfeing a Publique Levy agreed to by the Council

An Acco^t of the mony in M^r Treafurer *Byrd's* hands and how the Same is appointed to be paid, agreed to by the Council.

And Severall Orders agreed upon by the house concerning paym^{ts} to be made by M^r *Treafurer*, agreed to by the Council.

And the book of Proportions of the Publique Levy agreed to by the Council.

Ordered, that M^r *Leigh*, M^r *Harrison*, M^r *Basset*, M^r *Digges*, M^r *Ludwell*, M^r *Mason*, M^r *Sherman*, M^r *Thorowgood*, M^r *Armistead*, and M^r *Dudley* immediately wait upon his Excellency and acquaint him that there is now Nothing before the house, and the house is ready to attend his Excellencies further Comands.

And being returned,

M^r *Leigh* Reported, that according to Order they had delivered the message of the house to his Excellency.

A Message from his Excellency by M^r *Sherlocke*.

M^r *Speaker*.

His Excellency Comands this House Immediately to attend him in the Generall Court house, to pass the byll for Rayfeing a Publique Levy.

And accordingly the House went to attend his Excellency.

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JOURNALL

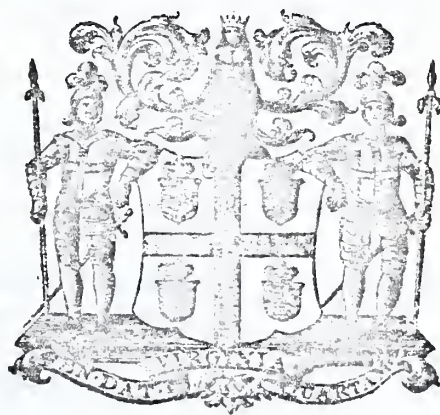
OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Begun at *James City* the Twenty eight day of
September in the Tenth Year of the Reign of Our
Soveraign Lord WILLIAM the Third by the Grace of
God, of *England, Scotland, ffrance And Ireland* King
Defender of the ffaith &c Annoq₃ Domini 1698.



RICHMOND, VIRGINIA.

MCMXIII.

JOURNALL

of the

HOUSE OF BURGESSES

Wednesday September the 28th 1698.

DIVERS Burgeses to the Number of Thirty four haveing taken the Oathes appointed by Act of Parliament to be taken instead of the Oathes of Allegiance & Supremacy, the Test & the Oath of a Burgeses, which were administered to them by *William Byrd, Edward Hill & Edmund Jennings Esq^{rs}* three of his Maj^{ty}s Councill Comissionated by his Excellency the Governor for that purpose mett in the Burgeses Chamber, and Agreed that A message should be sent to Acquaint his Excellency with their Meeting.

And thereupon *Mr Cary Mr Randolph Mr Leigh, Mr Taylor, Mr Harrison, Mr Burwell, Mr Ranfon, Mr Mafon, Mr Macon & Mr Baffett*, were desired forthwith to attend his Excellency, & to acquaint him that the Burgeses were Mett & waited his Excell^{ty}s Comands.

And they being returned, *Mr Cary* acquainted the House, that they had delivered the said Message to his Excellency, and his Excellency was pleased to Say, that being then late, he would take a Convenient time to send to the House in the Morning.

And then the House agreed to Meet again tomorrow morning nine a clocke.

Thursday September the 29th 1698.

A MESSAGE from his Excellency by *Mr Thacker*
Gentlemen.

His Excellency Comands the Immediate Attendance of this House upon him in the Generall Court house

And accordingly the House went to Attend his Excellency, in the Generall Courthouse, where his Excellency was pleased to Say to this Effect,
Gentlemen.

Being Something late last night when I received your Message, and understanding Some of your Members were come in, which were not Sworn, I was willing to meet you as Early as might be this Morning, and therefore to delay no time,

You Gentlemen are to return to your house and make Choyce of a Speaker.

And thereupon the House being returned, accordingly proceeded to the Choice of a Speaker, & after the Nominacon of five persons, haveing Spent Some time in debate without makeing an Election, the House agreed to meet again to morrow morning eight a Clock to go on with the Election.

Fryday

Fryday. September the 30th 1698.

THE House being met resumed the adjourned debate, about the Election of a Speaker & after some time Spent therein Mr *William Randolph* was chosen Speaker and being by two Members conducted was placed in the Chair, from whence he arose, & having made a Speech to this effect.

Gentlemen.

I Acknowledg it a great Honor conferred on me by being chosen Speaker of this House, but On the Other Side, I must confesse my Own Difability; My Capacity is not large Enough to comprehend the weighty matters incident to this Chair, the Difficulties of which I am y^e more encouraged to undertake when I consider how many worthy Members are here present & have hopes of the assistance of every One of them. And therefore Doe Intreat You Gentlemen that if any Lapse of the Tongue or Mistake in Other Matters, shall at any time hereafter happen thorough my weakness, that You will be pleased not to Impute it to an Error of the mind & Will for I can assure You Gentlemen, that I have a Setled Resolution & purpose to Serve this House, with all faithfulness, Integrity & Diligence, That thereby as much as in me lies the affaires we are here met about may be carried and proceeded in with that Dispatch & consideration, as may best Serve the Good & welfare of this Government.

Mr *Carter*, Mr *Cary*, Mr *Ranfone*, Mr *Corbyn*, Mr *Taylor*, Mr *James Wilson* Mr *Mason*, Mr *Ballard* Mr *William Buckner* & Mr *Armistead* were desired forthwith to attend his Exc^y to Acquaint him that the House had made Choyce of a Speaker & to know his Excellencies pleasure, when the House Shall wait upon his Exc^y to present him.

And they being returned Mr *Carter* acquainted the House that his Exc^y was pleased to Say, he would soon be at the Court house & the house should hear further from him.

A Message from his Excellency by Mr *Thacker*

Gentlemen.

His Exc^y Commands the Immediate Attendance of this House upon him in the Generall Courthouse.

And accordingly the House went to Attend his Exc^y, and being returned Mr *Speaker* acquainted the house, That he having humbly represented to his Exc^y. that the House of Burgeses had been pleased to make choyce of him, for their Speaker, His Exc^y was pleased to allow, & approve their choyce & that upon his moveing his Exc^y for free access to his Exc^ys Person as Occasion, and for the Continueance of the Ancient & Customary priviledges of the house and that if any thing should thorough his inadvertency & weakness happen at any time it might not be construed to the prejudice of the House or any member in particular, His Exc^y was pleased to Say to this Effect.

All those things which You aske, I doe Grant to this Assembly as fully as they have & Ought to have been granted heretofore.

And Mr *Speaker* further Reported That his Exc^y. was afterwards pleased to make a Speech, the heads whereof According to the best of his remembrance be repeated to the House.

Ordered, That Mr *Leigh*, Mr *Bassett*, Mr *Colston* & Mr *Ballard* wait upon his Exc^y. at some Convenient time, And in y^e name of the house address his Exc^y for a copy of his Speech.

Mr *John Taylor* moveing the house for leave to goe into the Countrey on his extraordinary Occasions.

Leave was given Accordingly.

Ordered, that he give his Attendance again in the house on *Tuesday* next.

A Committee of Elections and Priviledges.

Mr *Benjamin Harrison* Chairman.

Mr *James Ranfone*.

Mr *Gideon Macon*.

Mr *Gavin Corbin*.

Mr *Miles Cary* jun^r upon his Petition, was appointed Clerk of the Committee and Ordered to give his Attendance accordingly.

Ordered.

Ordered. That the Clerk of the House deliver to the Chairman of the Committee of Elections & privileges the Severall Writts for Burgeffes which are come to his hands, and that the said Committee take into their confideraçon, the Severall Returnes thereupon & make Report of their proceedings & Opinions therein with all convenient Expedition.

The Petition of *Richard Morris John Remington W^m Drew* and *John Hix* for a Doorkeepers place being Severally read they were respectively admitted to the Same, and *Ordered* to give their Attendance accordingly.

The Orders of the Laft house of Burgeffes being Read at the Clerks Table the House approved of the Same and

Ordered that they be continued Orders for this Affembly & lie constantly upon the Clerks table for Every Members perusall as Occasion.

And then the House adjourned, 'till to morrow morning ten a clocke.

Saturday October the 1st 1698.

MR *Leigh* Reported That according to the Order of the house Yesterday, the Persons appointed had addrested his Ex^{cy}. for a copy of his Speech, and that his Ex^{cy}. informeing them he had Ordered the Deputy Secretary to deliver it, who happened to be then by they had received it from him and then presenting the Same at the table, it was read as followeth
Gentlemen.

Great complaints haveing been made to his Majesty of mischeifes by Pyrates & Sea Robbers, have had too favourable admittance & entertainment, in Some of his Majesties Plantations I am Comanded to Represent to You the passing An Act as in *Jamaica* for the restraining & punishing of Pyrates and Privateers to prevent their pernicious practises, in which as this Colony hath been little if at all, concerned I presume You Need no further Inducement for Such An Act.

I have received the Act of Parliament of the 7th & 8th of his Maj^{ty} (sent me) for preventing frauds & Regulateing abuses in the Plantation Trade, to be duely Observed in these parts.

I do not doubt your being Effectually Sencible, that by his Maj^{ty}s Gracious Indulgence care and charge, You have not felt the hardships of the late war, how Severe Soever in other his Mat^s Dominions, but in this Colony injoyed plenty and Ease, as in the time of greatest Peace, now Secured in the Glorious and Generall Peace Obtained by his Majesty, for which & his Maj^{ty}s preservation & Safe Return a Solemn Day of Thanksgiveing and praises, to Almighty God, hath been observed, and this being Our first Meeting Since, I now Recommend to Your considerations Suitable Acknowledgments to the King, and of the present Debt on his Majesties Revenue for the Support of the Govern^t here.

I do also Recommend to Yo^r Consideraçons, the Setling of ferries in proper places especially on the great Rivers. And how pernicious the Licentious Abuse of Retaileing Strong Drinke, and Occasions of Immoralities & Vice necessary to be restrained. And ascertaining of fitt jurymen to attend Courts of General Import for the welfare of this his Majesties Colony & Dominion.

Copy of his Ex^{cy}s Speech to the Generall Affembly, the 3^d of *Septemb^r* 1698
E. Jennings Dep^y Secr^y.

Ordered. that the Copy of his Ex^{cy}s Speech lye upon the Table.

Resolved. That the House doe Resolve into a Committee of the whole House On *Munday* Next to take into confideraçon his Excellencies Speech made to this Affembly.

M^r Harrison from the Committee of Elections & Priviledges Reported that the said Committee had taken into confideraçon, the Severall Returnes of Elections committed to them. And had therein agreed upon Severall Resolutions, which he read in his place

& then delivered them in at the table, where being again read, the house tooke the Same into Immediate consideration, and agreed On these following Resolves viz

Resolved. That M^r W^m Randolph & M^r Thomas Cocke are duely elected and returned Burgeffes to serve in this Assembly for *Henrico* County.

Resolved That M^r John Taylor & M^r Charles Goodrich are duely elected and returned Burgeffes to Serve in this assembly for *Charles City* County.

Resolved That the Return which the Sherriff of *Surry* County hath made upon the Writ for Election of Burgeffes in the said County is an InSufficient Returne.

Ordered That M^r William Brown Sherrif of *Surry* County be sent for in Custody of the Messinger of the house to amend his return made upon the writ for Election of Burgeffes in the Said County:

Resolved, that Phillip Ludwell Esq^r & M^r Thomas Cowles are duely Elected and returned Burgeffes to serve in this Assembly for *James City* County.

Resolved That M^r Lewis Burwell is duely Elected & returned a Burgefs to Serve in this Assembly for *James City*.

Resolved. That M^r Anthony Holliday & M^r John Gyles are duely elected and returned Burgeffes to serve in this assembly for *Ifle of Wight* County.

Resolved That M^r Thomas Milner & M^r John Keeton are duely Elected and returned Burgeffes to Serve in this assembly for *Nansimund* County.

The House being informed that John Keeton A member of the house is a forreigner & not a Native of the Kingdom of England Ireland Or any his Majesties plantations.

Resolved. That the House will take into consideration the matter of the said Information on *Munday* next & how far the said John Keeton may stand disabled from Serveing as a Member of this house thereby.

Resolved. That M^r James Wilson & M^r Malachy Thruston are duely elected & returned Burgeffes to Serve in this assembly for *Norfolk* County

Resolved. That M^r Benoni Burroughes & M^r John Thorowgood are duely elected & returned Burgeffes to Serve in this assembly for *Princess Anne* County.

Resolved. That the Return which the Sherriff of *Elizabeth City* County hath made upon the Writt for the Election of Burgeffes in the Said County, is an Insufficient Returne.

Ordered, That M^r Augustin Moor Sherriff of *Eliz^a City* County be sent for in Custody of the Messinger of the House to amend his Return made upon the Writ for Election of Burgeffes in the Said County.

Resolved That M^r Miles Cary & M^r William Cary duely elected and returned Burgeffes to Serve in this assembly for *Warwick* County.

Resolved That M^r Thomas Ballard & M^r William Buckner are duely elected & returned Burgeffes to Serve in this assembly for *Yorke* County.

Resolved That M^r William Bassett & M^r Gideon Macon are duely elected & returned Burgeffes to Serve in this assembly for *New Kent* County.

Resolved. That M^r William Leigh & M^r Richard Gregory are duely elected & returned Burgeffes to Serve in this assembly for *King & Queen* County.

Resolved. That the Return on the Writ for Election of Burgeffes in *Middlesex* County, being without a date is not a Sufficient Returne.

Ordered, That M^r Francis Weeks Sherrif of *Mid^s County* be sent for in Custody of the Messinger of the House to amend the return made on the Writt for Election of Burgeffes in the Said County.

Resolved. That M^r James Ranfon & M^r Thomas Buckner are duely elected & returned Burgeffes to Serve in this assembly for *Gloucester* County.

Resolved. That M^r Thomas Gregson & M^r James Boughan are duely elected & returned Burgeffes to Serve in this assembly for *Effex* County.

Resolved That M^r William Coleston & M^r Thomas Loyd are duely elected & returned Burgeffes to Serve in this assembly for *Richmond* County.

Resolved,

Resolved, That Mr Robert Carter & Mr Joseph Ball are duely elected & returned Burgeses to Serve in this assembly for Lancaster County.

Resolved. That Mr Hancock Lee & Mr Richard Hayney are duely elected & returned Burgeses to Serve in this assembly for Northumberland County.

Resolved. That Mr John Scott & Mr Alexander Spence are duely elected & returned Burgeses to Serve in this assembly for Westmorland County.

Resolved That Mr George Mason & Mr Thomas Ousley are duely elected and returned Burgeses to Serve in this assembly for Stafford County.

Resolved. That the Return which the Sherriff of James City County hath made upon the Writ for Election of a Burgeses to Serve in this assembly for the Colledge of William & Mary is a good & Sufficient Returne.

Resolved and Accordingly Ordered That it be a Standing Rule of this House, that fifteen Members with the Speaker, shall be a Sufficient Number to adjourne.

Mr Speaker informeing the House that Mr John Childs had told him his Excy: had been pleased to give him a Comission to be his Maj^{ty} Messinger to attend the house of Burgeses the said Childs was thereupon called into the house, where haveing delivered his Comission at the table & withdrawne the Said Comission was read, and the house being Satisfied therewith & the Said Childs called in again Mr Speaker acquainted him, that the house did receive him as their Messinger & Did expect his Attendance accordingly.

A Committee for Publick Claymes.

Mr Miles Cary Chairman

Mr William Bassett

Mr Thomas Cock.

Mr John Taylor.

Mr Rich^d Gregory,

Mr Gideon Macon.

Mr William Colestone.

Mr Miles Cary jun^r was appointed Clerke of the Committee and Ordered to give his Attendance Accordingly.

A Committee for Propositions & Grievances.

Coll^o Phillip Ludwell Chairman.

Mr Robert Carter.

Mr Anthony Armistead

Mr William Leigh.

Mr Gawin Corbyn.

Mr James Ransone.

Mr Thomas Ballard,

Mr Benjamin Harrison

Mr Lewis Burwell.

Mr Bartholomew fowler was on his petition Appointed Clerk of this Committee, and Ordered to give his Attendance Accordingly.

Ordered That Leave be given to the Committee of Grievances & propositions & to the Committee of Publick Claymes to make choyce of a place to sit in, and that the Chairman of Each Committee give notice in the house on Munday next of the place his Committee shall make Choyce of to sit in.

Ordered, that the said Committees have power to adjourn themselves *de die in diem* & to fend for persons Records journalls Or Other papers they shall from time to time have Occasion of.

Resolved and Accordingly Ordered. That all propositions Grievances and Publick Claymes be brought into the house on Munday the tenth instant at latest, Or not received into this Session of Assembly.

Ordered that the Clerk of the House Publish the latest time Set by the House for receiveing propositions Grievances & Publicke Claymes dureing this Session by setting up a fair Copy of the Resolve of the House, made in that behalfe at the State house Door.

Ordered. That the house be called over every Morning and that Such persons as do not appear be liable to the censure of the house.

Ordered. That Leave be given to Mr Gawin Corbin to goe into the Countrey to visit a Sick Relation untill Tuesday next.

And then the House adjourned 'till Munday Morning ten a clocke.

Munday

Munday October the 3^d. 1698.

THE house called Over & the Absence of those that did not Appear was excused. Coll^o *Phillip Ludwell* Chairman of the Committee of Grievances and Propositions according to Order Acquainting the house, that the said Committee had made Choyce of a room in M^{rs} *Sherwoods* house to sit in, the house approved of their Choyce.

Ordered, That the Clerk of the House publish the place, where the Committee of Grievances & propositions are to sit, by setting up a Certificate thereof at the State house door.

M^r *Miles Cary* Chairman of the Committee for Publick Claymes according to Order Acquainting the house, that the Said Committee had made choyce of a room in M^{rs} *Edward's* house to sit in, the house approved of their choyce.

Ordered, That the Clerk of the House publish the place where the Committee of Publick Claymes are to sit by Setting up a Certificate thereof at the State house door.

Then according to Order of *Saturday* last the House tooke into consideration the Matter of the Information against M^r *John Keeton* for being a forreigner & it thereupon appearing, that the Said *John Keeton* was by An Act of Assembly made the 25th of *April* 1679 Entituled *An Act for the Naturalization of Abraham Vincler, John Michael, Jacob Johnson, John Pimmit & John Keeton Naturalized, and Admitted to all the privileges relating to this Colony, which a Native of England or this Government hath*, And it not appearing by Any Act of Parliament that the Said *John Keeton* as being a forreigner Naturaliz'd is disabled and made Uncapeable to Serve as a Burgefs.

Resolved, That the said *John Keeton* (notwithstanding he is a forreigner born) is by Virtue of the Said Act of Naturalization duely qualified to Serve as a Member in this Assembly.

Then According to Order the house Resolved into a Committee of the whole house to take into consideration his Excellencies Speech and Coll^o *Phillip Ludwell* took the Chair, wherein haveing Spent some time, M^r *Speaker* resumed the Chair & Coll^o *Ludwell* Reported that the said Committee had taken into consideration his Excyes Speech, & therein agreed upon Some resolutions, which he read in his place & then delivered them in at the table, where being again read as followeth.

Resolved. That It is the Opinion of this Committee.

That a byll be prepared for the restraining & punishing of Pyrates & privateers to prevent their pernicious practises Suitable & proper in all its parts to the Circumstances of this Countrey.

Resolved. That it is the Opinion of this Committee.

That that paragraph of his Excellencies Speech, wherein his Exc^y recommends to the consideration of the house, Suitable Acknowledgm^{ts} to the King for his Maj^{ty}s Gracious Indulgence Care & Charge over us dureing the late Warr, As also a present Debt on his Majesties Revenue here, be referred to the Committee of Propositions and Grievances for the said Committee to take the said paragraph into consideration, and to report their Opinions thereupon before the house doe proceed any farther upon the 1st paragraph.

Resolved, That It is the Opinion of this Committee

That that paragraph of his Excellencies Speech, wherein his Excy recommends to the Consideration of the house the settling of fferryes in proper places how pernicious the Licentious abuse of retaileing Strong Drink &c And the ascertaining fit jurymen to Attend Courts, be referred to the Committee of Grievances and propositions, for the said Committee to take the Severall Matters contained in the Said Paragraph into consideration, And to report their Opinions thereupon before the House proceed any farther in the Matters of the said paragraph.

The house agreed to the said Resolves of the Committee.

Ordered. That it be referred to the Committee of Grievances and propositions to prepare & bring in a byll for the restraining and punishing of Pyrates and Privateers

to

to prevent their pernicious practices, Suitable & proper in all its parts to the Circumstances of this Countrey.

The House being informed That the Messinger Attended At the Door with *William Brown* Sherriff of *Surry* County, who was Sent for in Custody of the Messinger, to Amend his Return made On the Writ for Election of Burgeffes in the Said County, the Said Sherrif was called into the house & amended his returne by Raseing Out the words of the Old return & in the room thereof entring a new full and Sufficient returne, and being withdrawn & the Said Return read

Resolved. That Mr *Benjamin Harrifon* & Mr *Thomas Swan* are duely elected & returned Burgeffes to Serve in this Asseembly for *Surry* County.

Ordered. That Mr *William Brown* Sherrif of *Surry* County be discharged out of custody paying fees.

A Paper Styled the Grievances of *Charles City* County not being attested as the Law about presentation & delivery of Grievances directs.

Ordered. That the Said Paper be rejected.

The Proposition & Grievances of *Warwick* County *Charles City* County *Nansimund* County *York* County & *New Kent* County being Severally read.

Ordered That the Consideration of the said Severall propositions and Grievances be referred to the Committee of Grievances and propositions to report their Opinions therein.

A Proposition of Severall Inhabitants of *Charles City* County being Read

Ordered That the consideration of the said Proposition be referred to the Committee of Grievances and Propositions to report their Opinions therein.

A Petition of *Thomas Blunt* for a Years Salary as Interpreter. And a Petition of the Inhabitants of *Richmond* County for Reimbursement of Some tobaccoes Overlevied upon them by Mistake of their Number of titheables the last assembly being Severally Read.

Ordered, that the Consideraçon of the Said petitions be referred to the Committee for Publicke Claymes.

And then the House Adjourned 'till tomorrow morning ten a Clocke.

Tuesday October the 4th 1698.

A PETITION of *Thomas Ryland* for allowance for a Negro of his w^{ch} was condemned & Executed for Murther.

A Petition of *William Chapman* a pensioner for a Yeares Allowance

And a Petition of *Peter Beverley* Clerk of the house for an allowance for transcribing & transmitting to *England* Sever^l Copies of the Law & Journall of the Last Session being Read

Ordered. That the Consideration of the Said Severall Petitions be referred to the Committee for Publicque Claymes.

The Propositions of Grievances of *Eliz^a City* County being Read.

Ordered, That the Consideration of the Same be referred to the Committee of Propositions & Grievances to report to their Opinions therein.

The House Adjourn'd 'till tomorrow morning ten a clocke.

Wednesday October the 5th 1698.

THE House being informed, That the Messinger Attended at the Door with *Augustin Moor* Sherriff of *Eliz^a City* County, who was sent for in Custody of the Messinger to Amend his return made upon the Writ of Election of Burgeffes in the said County, the Said Sherriff was thereupon called into the house, and Amended his return by raseing Out the words of the Old Returne & in the room thereof Entring a new full and Sufficient Returne, & being withdrawn & the Said Returne Read

Resolved

Resolved That Mr *Willis Wilfon* & Mr *Anthony Armistead* are duely elected and returned Burgeffes to Serve in this Assembly for *Eliz^a City County*.

Ordered. That Mr *Augustin Moor* Sherrif of *Eliz^a City County* be discharged out of Custody paying fees.

A Proposition of Severall Burgeffes for a Penalty to be laid on Such persons as shall be found to bring Vexatious & unjust complaints before the Justices being Read

Ordered, That the consideration of the Said Proposition be referred to the Committee of Propositions & Grievances.

The House adjourned 'till to morrow morning ten a clocke.

Thursday October the 6th 1698.

THE House called Over.

Mr *Harrison* from the Committee of Elections and Priviledges Reported, that the Said Committee had taken into consideration the Return upon the Writt for Election of Burgeffes in *Northampton County*, and therein had agreed on a Resolution which he read in his place, and then delivered it in at the table, where being again read.

Resolved, That the House doe Agree to the Report of the Committee and that Mr *John Custis* & Mr *Nathanⁱ Littleton* are duely elected & returned Burgeffes to Serve in this assembly for *Northampton County*.

Coll^o *Ludwell* from the Committee of Grievances & Propositions Reported, that the Said Committee had taken into consideration Severall propositions & Grievances to them referred, and therein had agreed upon Severall Resolutions, which were Read and then delivered in at the table, where being again read the house proceeded to the consideration of the Same.

And upon consideration of the Report of the said Committee upon A Grievance from *Warwick & New Kent Counties* that a Law be made for Regulateing the Coin in this Countrey and for ascertaineing the Value of it, the house agreed to the Report of the Committee.

That such a Law is absolutely Necessary & therefore

Resolved, That A byll be prepared for the Regulateing and ascertaining y^e Value of Coin.

Ordered. That it be referred to the Committee of Propositions & Grievances to prepare & bring in the Said byll.

And upon consideration of the Report of the Said Committee upon a Grievance from *New Kent County* praying That the Owners of Mills may be compelled by a Law to keep Millers and their Mills in good repair, the House Agreed to the Report of the Committee

That there is no Occasion for Such a Law & therefore

Ordered. That the Said proposition be rejected

And upon consideration of the Report of the said Committee upon a Grievance from *New Kent County* praying That there be Some allowance for Juries that Serve in the Division of land, the House agreed to the Report of the said Committee and

Ordered That the Said proposition be rejected.

And upon consideration of the Report of the Said Committee, upon a Grievance from *New Kent County* setting forth, That his Maj^{ty} Councill in *Virginia* sitting in Court to doe Justice be Sworn as Other Courts in this his Majesties Dominion.

Resolved. That the House do Resolve into a Committee of the whole House on *Tuesday* next to take into consideration the Matter of Grievance from *New Kent County* touching the Councill sitting as judges in the Generall Court, without takeing y^e Oath of judges & the Report of the Committee of Propositions and Grievances thereupon.

And upon consideration of the Report of the Said Committee upon a Grievance from *New Kent County* praying that a Law may be made to prevent the Exactions

of

of Sherrifs in Overchargeing fees, the house agreed to the report of the 1^d Committee That the Lawes already made doe Sufficiently provide in such Cafes & therefore

Ordered, That the said Proposition be rejected.

And upon confideration of the Report of the Said Committee upon a proposition from Severall Inhabitants of *Charles City* County praying That the Rangers be difmift the house Agreed to the Report of the Said Committee That a Law for their continuance is not necessary.

And upon confideration of the Report of the Said Committee upon a proposition of Severall Inhabitants of *Charles City* County praying that a Reward be given for killing Crowes & Squirrels, the house agreed to the Report of the Committee, that Such a Law is not necessary & therefore

Ordered, That the said proposition be rejected.

A meffage from his Excellency by M^r *Clements*.

M^r *Speaker*.

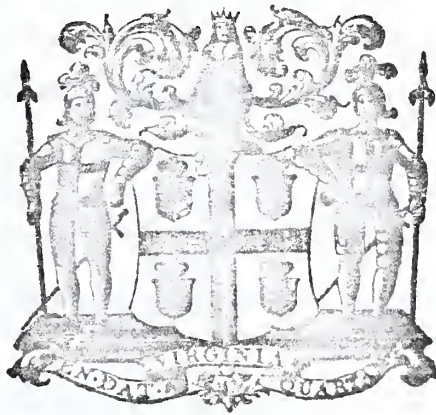
His Excy Commands the Immediate Attendance of this House upon him in the Generall Court house.

And Accordingly the House went to attend his Excellency in the Generall Court-house, where his Exc^y was pleased to Diffolve the present Affembly.

BY THE

HOUSE OF BURGESSES

Begun at *James City* the Twenty Seventh Day of
Aprill and in the Eleventh yeare of the Reigne of
our Soveigne Lord WILLIAM the Third By the
Grace of God of *England Scotland France* and
Ireland King Defend^r of the faith &c Annoq₃
Domini 1699.



RICHMOND, VIRGINIA.

MCMXIII

JOURNALL

of the

HOUSE OF BURGESSES

Thursday Aprill the 27th 1699.

DIVERSE Burgeses to the Number of fforty haveing taken the Oathes appointed by Act of Parliament to be taken instead of the Oathes of Allegiance and Supremicy the Test and, Signed the Affotiation and taken the Oath of a Burgefs which was administred to them by *Richard Lee William Bird and Edward Hill Esq^r* three of his Majesties Councell Commissionsioned by his Excellency the Governour for that purpose mett in the Burgeses Chamber.

William Randolph Gent. Clerk of the House of Burgeses by Commission from his Excellency the Governo^r took the Oathes appointed by Act of parliament to be taken instead of the Oathes of Allegiance and Supremicy the Test and signed the affotiacon and took the Oath of a Clerk to the House of Burgeses w^{ch} was administred to him by *Richard Lee, William Bird and Edward Hill Esq^r* three of his Majesties Council Comissionat^d by his Excellency the Governour for that purpose.

And then the House agreed—to meet againe tomorrow morning 9 a Clock.

Fryday Aprill the 28th 1699.

PHILIP Ludwell Esq^r, M^r Leigh, M^r Custis, M^r Baffett, M^r Corbin, M^r Ballard M^r Rascow M^r Ranson and M^r Taylor were desired forthwith to attend his Excellencie and to acqu^t him that the Burgeses were mett and waited his Excell^{cy}s Commands.

And they being returned *Philip Ludwell Esq^r* acquainted the House that they had delivered the said Message to his Excell^{cy} and his Excell^{cy} was pleased to say he would send to the House presently.

A Message from his Excellencie by M^r Harrison

Gentlemen

His Excellency Commands the imediate Attendance of this House in the Great Hall.

And accordingly the House went and attended his Excell^{cy} in the Great Hall where his Excellency was pleased to say to this effect.

Gentlemen

I am glad to see so many good Men and so many *Virginians* the first thing I have to recomend to you is That you are to returne to yo^r House and make Choice of a Speaker.

And therevpon the House being returned accordingly proceeded to the Choice of a Speaker, and after the Nomination of five persons, haveing Spent some time in Debate, the Votes being equall Twenty and Twenty the House agreed to meet in the afternoon four a Clock.

Post

Post Meridiem

The Houfe being mett and finding no more Members of the Houfe yet come agreed to meet againe to morrow Morning Eight a Clock.

Saturday Aprill the 29th 1699.

THE Houfe being mett and finding no more Members yet come the houfe then agreed to meet againe at twelve a Clock.

Meridiem

A Meffage from his Excell^{cy} by M^r Harrifon

M^r Speaker

His Excellency and Council haveing waited thefe two daies Expecting a Speaker would have been prefented, but, that You not haveing So done, his Excell^{cy} in Council has Comand^d mee to acquaint you that it is for his Majefties Service that a Speaker be chofen, and doth in his Majefties Name Command this Houfe, not to depart this Houfe untill you have made choice of a Speaker.

Thereupon the Houfe, refumed againe the Debate about the Election of a Speaker, and the Votes were againe twenty and twenty.

And therevpon the Houfe agreed that M^r Leigh M^r Baffett M^r Corbin, M^r Dudly, M^r Buckner, M^r Thorowgood and M^r Wilfon be defired forthwith to attend his Excell^{cy} and acquaint him with the reafons why they have not yet made Choice of a Speaker, viz^t

That all the members of this Houfe then come did meet the twenty Eighth of this Infant *Aprill* and proceeded to the choice of a Speaker, and vpon Divideing the Houfe the Votes were twenty and twenty, and this day his Excell^{cy} haveing Commanded this Houfe before they depart from thence to make Choice of a Speaker, they have in Obedience thereto againe proceeded in their choice, and the Houfe being divided the Votes were twenty and twenty. And therefore humbly conceive they cannot further proceed at prefent, but by *Munday* are in great hopes of a Fuller houfe.

And they being returned M^r Leigh acquainted this Houfe that they had delivered the faid meffage, and that his Excellency was pleaſed to Say he would fend Speedily to this Houfe

A Meffage from his Excellency by M^r Harrifon

Gent^{ls}.

I am Commanded by his Excellency in Councell to acquaint you that he requires the Attendance of this Houfe imediately in the Great Hall.

And accordingly this Houfe went and attended his Excell^{cy} in the great Hall where he was pleaſed to fay to this effect.

Gentlemen

I am forry that you have been thefe two daies, and have not made choice of your Speaker but ſince you cannot at prefent agree in your Choice I therefore defire you to returne to Your Houfe and adjourne untill *Monday* in the afternoon or *Tueſday*.

And they being returned agreed to meet on *Tueſday* Morning Eight a Clock.

Tueſday May the 2^d 1699.

THE Houfe being mett refumed the adjourned Debate about the Election of a Speaker and after ſome time ſpent therein M^r Robert Carter, was chofen Speaker and being by two Members conducted was placed in the Chair, from whence he aroſe and made a Speech to this effect —

Gentlemen.

Seing my Excuses have not been Effectuall, and that to ſhew how indifputeable your Commands muſt bee over every of Your Members. You have without any making

meanes

meanes of mine (nay I may say, *ne invito*) Ordered me yo^r Service in this Chaire, my part must be Obedience. which while I have the Honour to be a Member of this House I shall alwaies Account my Bounden Duty as well when I am put vpon your most Minute Concerns as when I am thought worthy of yo^r most hon^{ble} Employ^{nt} I give you my humblest Thanks for the hon^r you have now done me.

The House of Burges^{ses} consisting of the better Sort of Gentlemen from all parts of the Country to be in this Fashion the Object of their Choice I take to be no small reputation to me and as a Testimony of my Sence of yo^r high favour I do assure you I will make it my Constant Endeavour with my utmost Ability to do you the best and most Faithfull Service I can

M^r Cary, M^r Leigh, Philip Ludwell Esq^r M^r Taylor M^r Wilson M^r Mason M^r Dudley M^r Kenner M^r Thorowgood M^r Armistead M^r Buckner & M^r Harrison were desired forthwith to attend his Excellency to Acquaint him that the House had made Choice of a Speaker and to know his Excellency's pleasure when the House shall waite vpon his Excell^{cy} to present him.

And they being returned M^r Cary acquainted the House that they had according to the Commands of the House waited on his Excell^{cy} and acquainted him that the House had made choice of a Speaker &c.

A message from his Excellency by M^r Harrison
M^r Speaker

His Excellency commands the immediate Attendance of this House in the Great Hall

And accordingly the House went to attend his Excell^{cy}

And being returned M^r Speaker acquainted the House that he humbly represented to his Excellency that the House of Burges^{ses} at this time mett by our Gracious Kings Authority in Obedience to his Excellencies Commands and according to their undoubted priviledges had proceeded to and at last made choice of a Speaker and that they were pleased to call him to that Service his Excell^{cy} was pleased to allow and approve the Choice and that vpon his moveing his Excellency for the continuance of the antient priviledges of the House for free access to his Excellencys person as occasion and that they might have freedome of Speech and Debate in the House, and that themselves and Servants might be free from Arrests. His Excellency was pleased to say That all the antient Priviledges should be continued to the House, and if they were not large enough they should be enlarged as farr as lay in his power and if Occasion he should be ready to be an hum^{ble} addresser for the Inlargement of them.

M^r Cary, M^r Leigh, M^r Wilson & M^r Mason are desired to waite vpon his Excell^{cy} at some convenient time and in the name of the House to address his Excellency for a Copy of his Speech.

His Excellencies Comission to William Randolph Clerk of the House of Burges^{ses} was read in the House, The Oathes appointed by Act of Parliament instead of the Oathes of Allegiance and Supremacy, the Test and the Affotiation Signed and the Oath of Clerk of the House of Burges^{ses} haveing been administred to him pursueant to his Excellencies Comission to Richard Lee William Bird and Edward Hill Esq^{rs} three of his Majesties Council, which was alsoe read and laid upon the Table.

Ordered that William Randolph Clerk of this House do demand and take into his possession from M^r Peter Beverly the late Clark all Records Journalls and other papers belonging to this House & M^r Leigh M^r ffowler and M^r Colson, are requested to be present at the Delivery of the same to the present Clerke aforefaid.

William Randolph Clerk of this House reports That he has received from the late Clerk all Records Journalls and other Papers belonging to this House according to a list indented and exhibited to this house in p^resence of M^r Leigh M^r ffowler and M^r Colson

A Committee for Elections & Priviledges

M^r John Custis Chairman

M^r Baffett

M^r Corbin

M^r Ranfone

M^r Colson

M^r

Mr *Miles Cary* Jun^r vpon his Petition was appointed Clerk of the Committee and Ord^d to give his attendance accordingly.

Ordered.

That the Clerk of the house deliver to the Chairman of the Committee for Elections and Priviledges the Severall writts for Burgeffes which are come to his hand, and that the said Committee take into their consideration the severall Returnes therevpon and make Report of their proceedings and Opinions therein with all convenient Speed.

The Petition^s of *Richard Morris John Remington Will^m Drew* and *John Hix* for Door keepers places being read they were respectively admitted to the same And ordd^d to give their Attendance accordingly.

The Orders of the Last House of Burgeffes being read at the Clerks Table the House approved of the same and

Ordered.

That they be continued Orders for this Assembly and lye constantly vpon the Clerks Table for every Members Perufall as occasion

Ordered.

That the House be called over as often as shall be thought convenient and those persons that are wanting in their Duty to be Lyable to the Censure of the House.

Resolved and accordingly *Ordered*

That it be a standing Rule of this House that ffifteen Members with the Speaker shall be a Sufficient number to adjourne.

The Petition of Mr *John Chiles* informeing the House that he had obtained a Com^{is}sion from his Excellency to be the Kings Messfenger to attend the House of Burgeffes was read and the said *Chiles* therevpon called into the house where haveing produced his said Com^{is}sion he was ordered to withdraw, and being withdrawne the Com^{is}sion read at the Table as followeth.

Francis Nicholson Esq^r his Ma^{ty} Leiv^t and Govern^r Gen^l of *Virginia*. To all to whom these presents shall come Greeting know yee that I do hereby Com^{is}sionate authorize and appoint *John Chiles* Gent. to be his Majesties Messfenger in this Colony and Ord^r him to attend the house of Burgeffes this p^rsent Sessions of Assembly wth power likewise to the said *John Chiles* to demand, receive, and take to himself all fees and perquisites belonging or incident to the Said place and Office Given under my hand and Seal of this Colony this 27th day of *Aprill* in the Eleventh yeare of his Maj^{ty} Reigne Anno Dⁿⁱ. 1699.

The House adjourned till to morrow morning nine a Clock

Wednesday May th 3^d 1699.

MR *Cary* reported that according to the Order of the House Yesterday the persons appointed had addrested his Excell^y for a Copy of his Speech

The Petition of *George Marable Henry Vaughan* and *John Howard* complaining that the Sheriff hath made a false Returne in the Election of Mr *Fowler* Burgefs for *James City* was read and referred to the Considera^{on} of the Committee for Elections and Priviledges to report their Opinions therein

Ordered

That the Committee give notice of the time and place to all persons concerned.

The Petition of *Henry Royall* and others ffreeholders of *Elizabeth City* County complaining of an undue Election and Returne of Mr *Anthony Armistead* as a Burgefs for the said County was read and referred to the Considera^{on} of the Com^{tee} for Elections and Priviledges to report their Opinions therein.

Ordered.

That the Committee give notice to all persons concerned of the time and place.



A message from his Excellency by Mr Harrison
Mr Speaker.

According to your Desire and this worshipfull House I have brought a Copy of his Excellencys Speech which was delivered in at the Clarks Table and read as followeth
Honorable Gentlemen

Before I speake to you of busines I can't but take notice of the great goodness of Almighty God in continueing to us Such a well Setled peace, and of the Obligations lying vpon us to his most gracious Maiestie King *William* to whose wisdom valour and Conduct next under God we are beholden for it. ffor this and other Blessings I did not in the least doubt but that you would very readily and heartily Joyne with mee in Solemnizeing a Publick day of rejoyceing, which I invited you to keepe as Yesterday (being *May* day) and *Gentlemen* for your soe doeing I take it kindly. The most proper place on that occasion I concluded to be at his Majesties Royall Colledge of *William* and *Mary* where you might be not only Eye Witnesses of one of his Majestie's Royall Bountys and favours to this his most antient and great Colony and Dominion of *Virginia*, but alsoe Judges of the Improvement of your Youth in Learning and Education and I hope in God that you were Satisfied as to both.

His Most Sacred Majesty hath been gratioufly pleased to appoint me to be his Leivtenant and Governr Generl of this his Colony and Dominion of *Virginia* by this his Majesties Royall Comission which shall be now read to you
Sirs

The Extraordinary honour that his Matie hath done me and the very great Trust that he hath been most gratioufly pleased to repose in mee by these his Royall Letters patents are to the hight of my Ambition because they are for *Virginia* and they obleige mee in the highest Degree of Duty and Gratitude to make it my busines to Govern it according to his Majesties Royall Comission and their Excellencys the Lords Justices of *England* and their Instructions to mee, both of them you may be assured are wholly designed for the welfare and prosperity of this, his Majesties most antient and Great Colony and Dominion which shall most readily and cordially be comply'd with by me and with Your advice and Assistance I hope in God they may be performed.

Mr Speaker.

These are some of those their Excellencys the Lords Justices their Instructions to me which I give you to be Communicated to your House, and hope y^t I need not vse any arguments for your Complying with them as being some of the most proper meanes for your promoting the Good of *Virginia*.

Hon^{ble} Sir,

This is a Letter from the R^t Hon^{ble} the Lords of the Council for Trade and fforeigne Plantations about an Act being here past concerning Privateers and Pyrates and I now give it you to be laid before your House that one may be made accordingly.

Gentlemen of the House of Burgeffes.

I doe recomend to you to have such a Pile of Buildings Erected so soon as possible as may not be only larger, but more conveniently serve the publick Uses than that which was unfortunately burnt the last fall.

The Law about the Militia I think may be mended So as to make it more fully answer the Designe of setting it, in Ord^r to the Safety and honour of this Majesties Colony and Dominion.

I have received Severall Letters Accounts and papers concerning the Rangers, the Indians and their Trade. All which shall be sent for your Consideration.

The Last thing which I shall at p^rsent recommend to you is this Instruction of their Excellencies the Lords Justices (which I now give to your Speaker) about the restraining and punishing Immorality and Vice and some proposalls concerning it and others of their Excellencies the Lords Justices their Instructions when you are ready to receive them shall be sent you by myself and his Maties hon^{ble} Council

Fra: Nicholson
Ordered

Ordered.

That the Copie of his Excell^{cy}s Speech lye vpon y^e Table. Some of The Instructions of their Excellencies the Lords Justices of *England* &c To *Jfran: Nicholson* Esq^{re} his Majesties Lievtenant and Govern^r Gen^l of y^e his Mat^s Colony & Dominion of *Virginia* dated at *Whitehall* the 13th of *Septemb^r* 1698 in the Tenth yeare of his Majesties Reigne &c which were delivered by his Excellency to M^r *Speaker* were read as followeth.

His Maj^{ty}s Expre^ss Will and Pleasure is That you transmitt Authentick Copies under the publick Seal of all Lawes, Statutes & Ordinances now in force or which at any time shall be made and Enacted within his said Colony vnto his Majesty and to the Commis^s for Trade and Foreigne Plantations within three Months or by the first Opertunity after their being Enacted together with Duplicates thereof by the next Conveyance Vpon paine of his Majesties high Displeasure and of the Forfeiture of that yeares Salary wherein you shall at any time or vpon any pretence omitt to send over the said Lawes and Ordinances as aforesaid, As alsoe Such other Penalties as his Majesty shall please to inflict

And that it may be the better understood what Acts & Lawes are in force within this his Majesties Colony and Dominion of *Virginia* you are (with the Assistance of the Council there) to take Care that all Lawes now in force be revised and considered, and if there be any thing either in the matter or Stile of them which may be fit to be retrenched or altered you are to represent the Same unto his Majestie with your Opinion touching the said Lawes now in force (whereof you are to send a Compleat body unto his Majestie and to the Comis^s aforesaid) with Such alterations as you shall think requisite to the End his Majesties Approbation or Disallowance may be signified therevpon.

And whereas It hath been represented That the late Taxes which have been levyed by Poll within the said Colony have been very heavye and burthenfome vnto his Majesties Subjects there. You are to recommend to the Gen^l Affembly the Consideration and fetling such a way for raiseing money vpon necessary Occasions as shall be more Equall and acceptable to his Majesties Subjects there than the present method of Levying the same by Poll and Tythables

And it having been further represented that a Duty to be raised vpon liquors imported unto the said Colony would be the most Easie meanes that can be found out for the better Support of that Government. You are therefore to recommend to the Affembly the raiseing of Such an Impost, and continuance of the same, w^{ch} you shall permitt them to appropriate in Such manner that it may be applied unto the Uses of the Governm^t and to none other whatsoever.

And it being necessary that some further Care be taken to defray the Contingent Charges of that Government for which the Constant Revenue now raised not being Sufficient no other meanes can be found out for Supplying the Same without calling an Affembly on the least occasion that may happen which by the Charges contracted by the Members and Officers attending them, is often found to exceed the whole Levy for which they are convened, to the intent therefore the publick necessities may be the more easily answ^rd You are to propose the same unto the next Affembly and to vse your best endeavours that a Law be passed empowering his Majesties Governour and Councell for the time being to raise as there shall be occasion a Gen^l Levye or Tax for the better Support of the Governm^t which Levye may be alsoe accounted for to the next Affembly provided alwaies that neither in this Act nor any other to be passed by you you do not admitt of any Clause whereby any moneyes, raised within the said Colony shall not be likewise accounted for unto his Majesty and made Subject to his Inspection according to such Regulations as are fetled in that Behalfe

You shall not permitt his Majesties Revenue to be anticipated for the future, nor Suffer any Publick money whatsoever to be issued or disposed of otherwise then by warrant vnder your hand by and with the Advice and Consent of his Majesties Councell there but the Affembly may be nevertheles permitted from time to time to view and Examine the Account of money disposed of by virtue of such Lawes as are now in force or shall be passed by them which you are to signifye unto them as occasion shall Serve.

It

It is his Maij^{ty} Expreſs will and pleaſure that all Lawes whatſoever for the good Government and Support of the ſaid Colony be made indefinite and without Limitation of time Except the ſame be for a Temporary end and which ſhall Expire and have its effect within a Certaine time.

And therefore you ſhall not Re-Enact any Law w^{ch} ſhall have been once Enacted by you, Except vpon very urgent Occaſions, but in no caſe more then once without his Majeſties Expreſs conſent.

Whereas an Act hath been paſſed in *Virginia* on the 16th of *April* in the year 1684 Entituled *an Act for altering the time of holding Generall Courts* you are to propoſe to the next Aſſembly (if the ſame be not already done) that a Claufe be added to the ſaid Act, whereby it may be provided that the power of appointing Courts to be held at any time whatſoever remaine in you or the Commander in Cheif of that Colony for the time being.

You ſhall likewiſe take Care that a Gener^l Survey be made of all the ſaid Colony and Dominion and of each County in it and that an Exact Mapp or Mapps be therevpon drawne and tranſmitted to his Majeſty and to the aforeſaid Commiſſ^{rs} of Trade and Plantations.

And as vpon Severall Representations made concerning a Trade with the Indian Natives It hath been thought fit to permitt a free Trade between his Majeſties Subjects of *Virginia* and the ſaid Indians and his Majeſtie being willing to continue the ſame permiſſion to all his Subjects of that Colony You are therefore to ſignifie the Same to the next Aſſembly and to give them to vnderſtand that out of his Maij^{ty} Great Care for the welfare of that Colony, his Majeſty hath p^rferred the particular Benefit of his Subjects there, before any other advantage that might accrue vnto him by reſtraining that Trade with the Indians whereof his Majeſtye doth Expect they ſhould have a due Sence and provide by ſome meanes for the better Support of that Government.

Whereas his Majeſty doth think fitt for the better Adminiſtracon of Juſtice that a Law be paſſed in the Aſſembly whereby ſhall be ſett the value of Mens Eſtates either in Goods or Lands under w^{ch} they ſhall not be capable of Serving as Jurors you are to endeavour the paſſing of ſuch a Law (if not already done) as ſoon as there ſhall be an Opportunity and to tranſmitt the Same to his Maj^{ty} and the Commiſſioners for Trade and Plantations as aforeſaid for his Majeſties Approbation.

And inasmuch as it may not be fit that Appeales be too frequently and for too ſmall a value brought vnto the Govenour and Councell there, you ſhall therefore with the advice of the ſaid Council propoſe a Law to be paſſed wherein the method and Limitation of Appeales vnto the Governour and Council may be ſetled and reſtrained in ſuch manner as ſhall be moſt convenient and eaſie to his Majeſties Subjects in *Virginia*.

You ſhall endeavour to gett a Law paſſed for the reſtraining inhumaine Severities which by ill maſters or overſeers may be vſed towards their Chriſtian Servants or Slaves and that Provision be made therein, That the willfull killing of Indians and Negroes may be Punished with death, and that a fitt penalty be impoſed for the maimeing of them.

You are alſoe with the Aſſiſtance of the Councell and Aſſembly there to find out the beſt meanes to facilitate and Encourage the Conversion of Negro^s and Indians to the Chriſtian Religion

You are to recommend to the ſaid Council and Aſſembly the raiſeing of Stocks and building publick Workehouſes in convenient places for the Imployment of poor and indigent perſons

And foreaſmuch as his Majeſty hath former given Inſtruptions to the Govern^r of that his Colony concerning the Building of a houſe for them and the Governours of the ſaid Colony for the time being, and hath in the meanwhile allowed vnto them the vſuall rent of a houſe wherein to Live, his Majeſty is alſo gratiouſly pleaſed for the p^rſent to allow vnto you the like Houſe Rent in the ſame manner as vnto them, but nevertheleſs it being neceſſary that a good houſe be forthwith built for you and the Governour of
the

the said Colony for the time being And it not being reasonable that his Majestie should alwaies continue to allow the said House Rent, whilst no advance is made on the other side towards the building of the said House, you are therefore accordingly to consider of the fittest place for building the same, which you are to propose to the Councill and Assembly there in Order to the raising Money for that purpose, As also to send over the Draught of such an house to his Majestie and the Commis^{rs} for Trade & Plantations with the proposi^{cons} that shall be mad[e] for the building thereof in order to his Majesties Determination therevpon and his further Directions about the forementioned Allowance for the House Rent.

You shall take care that all Planters and Christian Servants be well and fitly provided with Armes, & that they be Lifted under Offycers and when and as often as you shall think fitt mustred and trained whereby they may be in a better readines for the Defence of the said Colony and Dominion under yo^r Government.

And you are to take Especiall Care that neither the the freequency nor vnreasonableness of remote Marches Musters and Trainings be an vnneccessary Impediment to the affaires of the Planters.

Fra: Nicholson

You shall cause a Survey to be taken of all the considerable Landing places and harbours in the said Colony. and with the Advice of the Councill there Erect in any of them Such fortifications as shall be necessary for the Security and advantage of that Colony which shall be done at the publick Charge of the Country not doubting of the Chearefull Concurrence of the Inhabitants therevnto for the Common Security and benefit they will receive thereby.

You are to take speciall care that fitt Storehouses be Setled thro'out the said Colony for receiving and keeping of Armes Amunition and other publick Stores

Fr: Nicholson

One of the Instructions of their Excell^{ces} the Lords Justices of *England &c* To me *Francis Nicholson* Esq^r his Ma^{ties} Liev^t and Govern^r Gen^l of this his Majesties Colony and Dominion of *Virginia* Dated at *Whitehall* the 13 Day of *September* 1698 in the Tenth yeare of his Maij^{ties} Reigne— *viz*

You are to take care that Drunkenness Debauchery Sweareing and Blasphemy be severely punished and that none be admitted to publick Trust and Im^{ploy}ment whose ill fame and Con^{vers}ation may bring Scandall therevpon

ffr: Nicholson

Ordered

That the Instructions of their Excellencies the Lords Justices of *England &c* lye vpon the Table.

Resolved That the House do resolve into a Committee of the whole house on *Saturday* next to take into consideration these Instructions of their Excell^{cies} the Lords Justices of *England &c* and his Excellencys Speech made to this Assembly.—

Mr *Curtis* from the Committee for Elections and Priviledges reported the said Comittee had taken into Consideration the Severall Returnes of Elections committed to them and had therein agreed vpon Severall Resolutions which he read in his place and then delivered them in at the Clerks Table where being again read the house took the same into immediate Consideration and agreed on these following Resolves *viz*

Upon Consideration of the report of the Committee concerning the Writt directed to the Sheriff of *James City* County for Electing a Burge^s for y^e Colledge of *William* and *Mary* but no returne of a Burge^s made therevpon.

Resolved That the Returne of the Sheriff Endorsed on the writt wth the reasons rendred by Mr President *Blair* and Mr *Mongo Ingles* are a good and Sufficent Returne by the Sheriff.

Vpon Consideration of the Report of the Committee concerning Captaine *William Randolph* being appointed Clerk of the house of Burge^s Submitted to the Direction of the house.

Resolved

Resolved. That the said *William Randolph* having accepted A Commission from his Excellency to be Clerk of the said House he hath disabled himself from Serving as a Burgeſs — and

Ordered that Applycation be made to his Excell^{ty} That he will pleaſe to order a New Writt to Iſſue directed to the Sheriff of *Henrico* County for the Election of a Burgeſs to ſerve this Affembly in the ſtead of the ſaid *William Randolph* Clerk of the houſe of Burgeſſes as aforeſaid

Resolved that M^r *James Cock* is duly Elected and returned Burgeſs to Serve in this Affembly for *Henrico* County

Resolved that M^r *Robert Bolling* and M^r *John Taylor* are duly Elected and returned Burgeſſes to Serve in this Affembly for *Charles City* County.

Resolved. That the returne which the Sheriff of *James City* County hath made vpon the Writt for Election of Burgeſſes in the Said County is an inſufficient Returne.

Ordered. That *Francis Ballard* Sub Sheriff of *James City* County be ſent for in Cuſtody of the Meſſenger of the houſe to amend his Returne made vpon the Writt for Election of Burgeſſes in the ſaid County.

Vpon the Petition of *George Marable Henry Vaughan* and *John Howard* on behalf of the freeholders of *James City* complaining againſt the Sheriff of *James City* County for the vndue Election of M^r *Barth^a fowler*.

Ordered. That the ſaid Petition be referred to the conſideraçon of the Committee for Elections & priviledges to report their Opinion therein.

Resolved That M^r *Nathaniel Harrifon* and M^r *Thomas Holt* are duly Elected and returned Burgeſſes to Serve in this Affembly for *Surry* County.

Resolved. That M^r *Anthony Holliday* and M^r *John Giles* are duly Elected and returned Burgeſſes to Serve in this Affembly for the *Iſle of Wight* County.

Resolved. That *Francis Milner* is duly Elected Burgeſs and returned to Serve in this Affembly for the County of *Nanſemond*.

Resolved. That M^r *Richard Church* and M^r *Mathew Godfrey* are duly elected and returned Burgeſſes to Serve in this Affembly for the County of *Norfolk*.

Resolved. That M^r *Benony Burroughs* and M^r *John Thorowgood* are duly elected and returned Burgeſſes to Serve in this Affembly for the County of *Princes Anne*.

Vpon the Petition of *Henry Royall* and Severall others the freeholders of *Elizabeth City* County complaining againſt the Sheriff of the ſaid County for the vndue Election and returne of M^r *Anthony Armistead*.

Ordered. That the ſaid Petition be referred to the Conſideration of the Comittee for Elections and Priviledges to report their Opinion therein.

Resolved. That M^r *Willis Wilſon* is duey Elected and returned Burgeſs to Serve in this Affembly for the County of *Elizabeth City*

Resolved That M^r *William Raſcow* and M^r *Miles Cary* are duly Elected and returned Burgeſſes to Serve in this Affembly for the County of *Warwick*.

Resolved That M^r *Thomas Ballard* and M^r *William Buckner* are duly Elected and returned Burgeſſes to Serve in this Affembly for County of *Yorke*.

Resolved. That M^r *William Baſſett* and M^r *Gideon Macon* are duly Elected and returned Burgeſſes to Serve in this Affembly for the County of *New Kent*.

Resolved. That M^r *William Leigh* and M^r *William Gough* are duey Elected and returned Burgeſſes to ſerve in this Affembly for the County of *King and Queen*

Resolved. That M^r *James Ranſon* and M^r *Mordecai Cook* are duly Elected and returned Burgeſſes to Serve in this Affembly for the County of *Glouceſter*

Resolved. That M^r *Robert Dudley* and M^r *Gawin Corbin* are duey Elected and returned Burgeſſes to Serve in this Affembly for the County of *Middleſex*

Resolved. That the Returne w^{ch} the Sheriff of *Effex* County hath made vpon the writt for Election of Burgeſſes in the ſaid County is an inſufficient returne

Ordered. That M^r *William Moſeley* Sheriff of *Effex* County be Sent for in Cuſtody of the Meſſenger of the houſe to amend his Returne made vpon the writt for Election of Burgeſſes in the ſaid County.

Resolved

Resolved. That M^r Will^m Colston and M^r Thomas Lloyd are duly Elected and returned Burgeffes to Serve in this Affembly for the County of *Richmond*.

Resolved. That M^r George Mafon is duely Elected and returned Burgefs to Serve in this Affembly for *Stafford* County.

The confideraçon of the report of the Committee touching M^r Waugh a Clergyman returned Burgefs for *Stafford* County is referred till to morrow morning for further Confideraçon.

Resolved. That M^r Alexander Spence and M^r Willoughby Allerton are duly Elected and returned Burgeffes to ferve in this Affembly for *Westmoreland* County.

Resolved. That M^r Robert Carter and M^r Alexander Swan are duely Elected and returned Burgeffes to Serve in this Affembly for *Lancaster* County

Resolved. That M^r Rodoham Kenner and M^r George Cooper are duly Elected and returned Burgeffes to Serve in this Affembly for *Northumberland* County —

Resolved That M^r Tully Robinson and M^r Thomas Welbourn are duly Elected and returned Burgeffes to Serve in this Affembly for *Accomack* County.

Resolved. That M^r John Custis and M^r Nathaniel Littleton are duly Elected and returned Burgeffes to ferve in this Affembly for *Northampton* County.

Vpon the Petition of *Thomas Milner* of *Nanfemond* County complaineing againft the Sherriff of the faid County for the undue Election and returne of M^r *Thomas Godwin* Jun^r.

Ordered That the faid Petition be referred to the Confideraçon of the Com^{tee} for Elecçons and Priviledges to report their Opinion therein.

Ordered That Cap^t *Henry Duke* be added to the Comittee for Elecçons and Priviledges.

The houle adjourn^d till to morrow Morning ten a Clock.

Thursday May the 4th 1699.

ORDERED. That M^r Duke, M^r Harrifon and M^r Rascow are desired to waite vpon his Excell^{cy} and in the name of the houle pray his Excellency to iffue out a new writt for the Election of a Burgefs to Serve in this Affembly for *Henrico* County in the room of M^r *William Randolph* he being Comiffionated Clerk of the Houfe of Burgeffes, and being returned.

M^r *Duke* acquaints the Houfe that according to the Ord^r of the houle he had prayed his Excellency to Iffue out a new writt for Election of a Burgefs to Serve in this Affembly (in the room of M^r *William Randolph*) for *Henrico* County.

Then according to order Yefterday the houle took into their Confideration the report of the Committee for Elections and Priviledges touching M^r *John Waugh* (he being withdrawne) and after a full debate of the matter

Resolved That It is the Opinion of the Houfe that M^r *John Waugh* Elected and returned a Burgefs for *Stafford* County being a Clergyman is disabled for Serving as a Burgefs.

Ordered. That M^r *John Waugh* be acquainted with the Refolve of the houle touching his being a Burgefs who being called in M^r *Speaker* acquainted him therewith and then the faid M^r *Waugh* was ordd to withdraw.

Ordered. That M^r *Corbin* M^r *Mafon* and M^r *Lloyd* do waite vpon his Excell^{cy} and in the name of the houle pray his Excell^{cy} to Iffue out a new writt for the Election of a Burgefs to ferve in this Affembly for *Stafford* County in the room of M^r *John Waugh* disabled being a Clergy man.

And being returned M^r *Corbin* acquaints the houle that according to the Ord^r of the houle they had prayed his Excellency that a new writt might Iffue for the Eleçon of a Burgefs to ferve in this Affembly for *Stafford* County in the room of M^r *John Waugh* and his Excellency was pleaed to fay he would take care of it.

M^r

Mr *Custis* reported from the Committee of Elections and Priviledges to what was referred viz^t

The Consideraçon of the Elections made in *Nanfemond County, Elizabeth City County, and James City* And also the petitions of Mr *Tho: Milner* Mr *Henry Royall* and others, and also Mr *George Marable* concerning their respective Elections, how they found the Elections to be, and alsoe the Committees resolutions therevpon which he read in his place and then deliver^d in at the Table where being read againe the same was considered and Debated in the house viz^t

To the report of the Com^{tee} concerning the Election of *Thomas Godwin Jun^r* being by the said Committee Submitted to the Consideration of the House in w^{ch} Said Election the Pole being demanded in writeing and by the Sheriff denyed (The said Mr *Godwin* being withdrawne) after a full debate of the matter. The question was put whether the Election was good or insufficient

Resolved an insufficient & undue Election Wherevpon it was

Ordered. That Mr *Godwin* should be called in who being by Mr *Speaker* informed of the Resolve of the House was ordered to withdrawe.

Ordered. That Mr *Robinson*, Mr *Thorowgood* and Mr *Milner* be desired to waite on his Excellencie and in the name of the house pray his Excellency to Issue out a new writt for the Election of a Burgeßs to serve in this Assembly for *Nanfemond County* in the room of Mr *Thomas Godwin* unduely returned.

And being returned acquaint'd the house y^t according to the Order of the house they had waited on his Excellency and prayed That a new writt might Issue for the Election of a Burgeße to Serve in this Assembly for *Nanfemond County* in the room of Captain *Godwin* and his Excellency was pleased to say he would take Care of it.

To the report of the Committee touching the Election of Mr *Anthony Armistead* the same being agreed to by the House

Resolved. That Mr *Anthony Armistead* is duely Elected and returned Burgeßs to Serve in this Assembly for *Elizabeth City County*.

To the Report of the Committee touching the Election of Mr *Barth^w fowler* returned Burgeßs for *James City* the Same being agreed to by the house

Resolved. That Mr *Robert Beverly* is duly elected and returned Burgeßs to Serve in this Assembly for *James City*.

Ordered. That Mr *fowler* be called in and being informed of the Resolution of the House is ordd to withdraw.

Ordered. That the Sub Sherriff of *James City County* be sent for in Custody of the Messenger of the House to amend his Returne made vpon the writt for Election of a Burgeßs in *James City*.

And the house being informed that Mr *John Chiles* the Messenger of the house attended at the Door with the said Sub-sherriff of *James City County*

Ordered. That he bring the said Sub-sherriff into the House and being brought in he amended his Returne by Raseing out the old Returne on the writt for the County and in the room thereof entred a new and Sufficient return on the said writt for Election of Burgeßses for the County

Ordd That the said Subsherriff be dismissed paying fees

The house being informed that Mr *John Chiles* the Messenger of the house attended at the Door with the Subsherriff of *James City County*.

Ordered. That he bring the said Sub-sherriff into the house and And being brought in accordingly, he amended his Return by raseing out the name of *Bartholomew fowler* Endorfed on the Writt for Election of a Burgeßs in *James City* and inserting the name of *Robert Beverly*.

Ordered that the said Subsherriff be dismiss^d paying fees.

The Certificate of the honor^{ble} *Richard Lee* and *Edward Hill Esq^r* that they had adminstred the Oathes appointed by Act of Parliament to be taken instead of the Oathes of Supremacy and Allegiance the Test and Affotiation appoint^d by Act of Parliament
and

and the Oath of a Burgeſſ for this preſent Gen^l Affembly to M^r Robert Beverly Burgeſſ for James City was read and the ſaid Robert Beverly took his place

A Committee for Publick Claimes

M^r Miles Cary Chaireman

M^r William Baſſett

M^r William Colſton

M^r Thomas Welburn

M^r Gideon Macon

M^r Alexand^r Swan

M^r George Maſon

M^r Henry Duke

M^r Alex: Spence

M^r Miles Cary Jun^r was appointed Clerk of this Com^{tee} and Ordered to give his Attendance accordingly.

A Committee for Propoſitions & Greivances

Co^{ll} Phill. Ludwell Chaireman

M^r John Cuſtis

M^r William Lee

M^r James Ranson

M^r Anth^y Armistead

M^r Gaven Corbin

M^r Tho: Lloyd

M^r John Taylor

M^r Willis Wilſon

The Petition of Dioneſious Wright to Serve as Clerk to this Committee was read in the houſe

The Petition of M^r Barth^w ffowler to ſerve as Clerk to this Com^{tee} was read in the houſe

M^r Barth^w ffowler was on his Petition appointed Clerk of this Committee and ordered to give his Attendance accordingly.

Ordered that leave be given to the Committee of Propoſitions and Greivances and the Committee of Publick Claimes to make choice of a place to Sit in and that the Chairman of Each Committee give notice to the houſe to morrow morning of the place his Com^{tee} ſhall make Choice to Sit in

Ordered that the Committees have power to adjourne themſelves *de die in diem* and to ſend for perſons Records Journalls and other papers they ſhall from time to time have occaſion of

Resolved and accordingly Ordered.

That all propoſitions Greivances and Publick Claimes be brought into the houſe on *Thurſday* the Eleventh of this Inſtant at Lateſt or not to be received into this Seſſion of Affembly without particular Leave of the Houſe

Ordered. That the Clerke of the houſe publiſh the lateſt time Set by the houſe for receiveing Propoſitions Greivances and publick Claimes during this Seſſion by Setting vpp a faire Copy of the Reſolve of the houſe where the Burgeſſ^s Sit And then

The Houſe Adjourned till to morrow ten a Clock

Fryday May the 5th 1699.

MR Miles Cary Chairman of the Com^{tee} for Publick Claimes according to Order acquainting the houſe that the ſaid Committee had made Choice of a room in M^{rs} Edwards houſe to Sit in. The houſe approved of their Choice.

Co^{ll} Phillp Ludwell Chaيمان of the Committee of Greivances and Propoſitions according to Order acquainting the houſe that the Said Committee had made choice of a room in M^{rs} Sherwoods houſe to ſit in. The houſe approved of their Choice

Ordered that the Clerke of the houſe publiſh the place where the Committee of Greivances and Propoſitions and the Committee of publick Claimes are to Sit by Seting vp a Certificate thereof at the Door of the houſe where the Burgeſſes Sit.

M^r Speaker acquainting the Houſe It was his Excell^{cy}s Pleaſure that the Clerks of the Committees before their Admittance to their Office ſhould take the Oathes appointed by Act of Parliament to be taken inſtead of the Oathes of Allegiance and Supremacy the Teſt and Signed the Affotiation and that he had taken Care to Commiſſionate Some perſons to that purpoſe.

Ordered.

Ordered. That the Clerks of the Severall Com^{tees} before they enter into their said Offices, apply themselves to the persons by his Excell^{ty} Com^{mission}ated and take the Oaths appointed by Act of Parliament to be taken instead of the Oathes of Allegiance and Supremacy and Signe the Test and Affotiacon accordingly.

The Greivances of *York County* were read and referred to the Committee of Greivances and propositions to report their Opinions therein

The Petition of Severall Inhabitants of *Wilmington* and *Wallingford* Parishes recommended from his Excellency and Councell was read and referred to the Committee of Propositions and Greivances to report their Opinions therein

A written Message from his Excellency and Councill by Mr *Harrison* read in the house as followeth

Thursday May the 4th 1699

By his Excellency and Council

Whereas Severall Controversies were likely to arise concerning Claimes to Lands in *Pomunkey Neck*, & on the South side of the *Blackwater Swamp*, For the Ending and quieting of which Controversies, An Order of Councell was made vpon the twenty fifth day of *February* last, that all Claimes to Lands in those places should be laid before his Excellency and the Council, by the end of the last Generall Court pursueant to which order many Claimers have been brought in and laid before his Excellency and the Council. and they have appoint^d a Committee of three Members of the Council not concerned in Interest to Examine the said Claimes and make report thereof, in order to the takeing Such methods for Adjusting the said Claimes as may be Sufficient to settle the Titles of all persons to any Lands in those places. And that the said Committee will begin on *Tuesday* next an proceed therein *de die in diem* till they have finished the Same.

And his Excellencie and the Council do recomend it to the Burgesses to appoint a Convenient Number of the Members of their house, not concerned in Interest in any Lands in those places to be joynd with the said Committee of the Council to adjust and settle the said Claimes and Titles and also to consider of the most proper meanes to Settle both the Northern and Southerne Bounds of this his Maij^{ty} Colony and Dominion and to report their Opinion therein

Tet. *Benj: Harrison* Cl. Gen^l Assembly.

The House agree to the propofall in the said Message being of Opinion a very good Expedient therein is laid downe for the quieting and settling the said Claimes and Titles And accordingly have appointed Mr *Buckner* Mr *Beverly*, Mr *Rascow*, Mr *Robinson*, Mr *Allerton* and Mr *Kenner*, as members of this House not concerned in Interest to joyne with those Hon^{ble} Gentl of the Council according to y^e afores^d Message & the said Members are also together wth the said Hon^{ble} Gentl. of the Council to consider of the most proper meanes to Settle both the Northerne and Southerne Bounds of this his Majesties Colony and Dominion and to report their Opinions therein

Ordered. That the Gentlemen appointed to joyne with the Hon^{ble} Counc^l as aforesaid doe at some convenient time waite vpon his Excellency and returne him the humble Thanks of this House for his Excellencies great favour in the said Message and to acquaint him that the House has appointed Six of their Members not concerned in Interest, to Joyne with those hon^{ble} Gentlemen of the Council appointed to be of the Committee aforesaid

Ordered. That leave be given to Mr *James Ranson* vpon an Extraord^{ry} Occasion to goe home to his owne house. And

Ordered to returne on *Wednesday* next & attend y^e Services of y^e House.

The Greivances from *New Kent County* were read and referred to the Committee of Propositions & Greivances to report their Opinion therein.

The Greivances from *Elizabeth City County* were read and referred to the Committee of Propositions and Greivances to report their Opinion therein

The Greivances from *Westmerland County* were read and referred to the Committee of Propositions and Greivances to report their Opinions therein

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The Greivances of *Surry* County were read and referr^d to the Com^{tee} of Propositions and Greivances to report their Opinions therein

The Greivances of *Gloucester* County were read & referr^d to the Com^{tee} of Propositions and Greivances to report their Opinions therein

The Greivances from the upper and Lower parts of the County of *Accomack* were read & referred to the Com^{tee} of Propositions and Greivances to report their Opinions therein

The Certificate of the Hon^{ble} *Richard Johnson* and *Charls Scarborough* Esq^{rs} That they had according to Commission from his Excellency administred to M^r *fowler* and M^r *Carey* Clerks to the Committees of Propositions and Greivances and Publick Claimes the Oathes appointed by Act of Parliam^t to be taken instead of the Oathes of Supremacy and Allegiance, The Test and Affotiation and the Oath proper to be administred to them as Clerks of the Com^{tees}

The Greivances from *Middsex* County were read and referred to the Com^{tee} of Propositions and Greivances to report their Opinions therein

The Greivances from *Isle* [of] *Wight* County were read and referred to the Com^{tee} of propositions and Greivances to report their Opinions therein

The Greivances of *James City* County were read and referr^d to the Com^{tee} of Propositions and Greivances to report their Opinions therein

The Greivances from *Lancaster* County were read and referred to the Committee of Propositions and Greivances to report their Opinions therein

Ordered That all such Propositions Greivances and Claimes as were Lawfully brought to the last Assembly, be by the Clerk brought into the House for their Consideraçon on *Monday* next—

The Petition of M^r *Peter Beverly* for his Attendance at the last meeting of the house as Clerk. And also his his petition for transcribing and transmitting Copies of the Journal and Duplicates of the same.

Ord[e]d to be referred to the Com^{tee} of publ. Claimes

The Greivances from *Northampton* were read and referred to the Committee of Propositions & Greivances to report their Opinions therein. And then

The House adjourned till to morrow Morning Ten a Clock —

Saturday May the 6th 1699.

ACCORDING to Order the House resolved into a Com^{tee} of the whole house to take into Consideraçon his Excellencies Speech and some Instructions of their Excellencys the Lords Justices of *England*, and M^r *Miles Cary* took the Chaire wherein having Spent some time, M^r *Speaker* resumed the Chaire, and M^r *Cary* moved the House that leave might be given to the Com^{tee} of the whole house to make report of the proceeding of the said Com^{tee} on *Munday* next

And accordingly Ordered. That leave be given to the said Committee to make report of their proceedings on *Monday* next.—

The Greivances of *Warwick* County were read, and referred to the Committee of propositions and Greivances to report their Opinions therein —

The Greivances of *Nanfemond* County were read and referred to the Com^{tee} of propositions & Greivances to report their Opinions therein —

And then

The House adjourned till *Monday* 10 a Clock

Monday May the 8th 1699.

THE House called over And the absence of those who did not appeare Excused. M^r *Cary* reported from the Com^{tee} of the whole House that the said Committee in the matters referred to them had agreed vpon Some resolutions which he read in his place, and then delivered them in at the Table where being againe read The House proceeded to the Consideration of the same

And

And vpon Consideraçon of the report of the f^d Com^{tee} relateing to the first Paragraph of his Excellencys Speech The Houfe agreed to the faid report And therevpon

Resolved That a Suitable Addrefs be p^rpared to his Excellen^cy to returne his Excellen^cy the Thanks of the Houfe for his great favours showne to the Houfe on *May* day laft at his Ma^{ties} Roy^{ll} Colledge of *W^m* and *Mary*.

Ordered. That it be referred to the Committee of Propofiçons and Greivances to prepare the faid Addrefs accordingly and to report the fame withall convenient Expedition.

Vpon Consideration of the report of the Com^{tee} made vpon the first and Second paragraph of the Inſtructions of their Excellencies the Lords Juſtices of *England* relateing to the Lawes of *Virginia* &c The Houfe agreed to the Same and accordingly.

Ordered. That it be referred to the Com^{tee} of Propofiçons and Greivances to report their Opinion^s therein

Vpon Consideration of the Report of the Com^{tee} made vpon the third Paragraph in the faid Inſtructions relateing to the Taxes which have been Levyed by the Poll &c The Houfe agreed to the fame and Accordingly

Ordered that It be referred to the Com^{tee} of Propofiçons and Greivances to report their Opinions therein

Vpon Consideraçon of the Report of the Committee made vpon the fourth paragraph in the faid Inſtrucçons wherein their Excellencies were pleaſed to recomēd the raiſeing an Impoſition vpon Liquors &c The Houfe agreed to the fame and accordingly.

Ordered that it be referred to the Com^{tee} of Propofiçons and Greivances to report their Opinions therein

Vpon Consideraçon of the Report of the Committee made vpon the fifth paragraph in the faid Inſtructions wherein it is propoſed that a Law be paſſed impowering his Majesties Govern^r and Councell for the time being to raiſe as there ſhall be Occaſion a Gen^{ll} Levy or Tax for the better Support of the Governm^t &c. The Houfe agreed to the fame and accordingly

Ordered That it be referred to the Com^{tee} of Propofiçons and Greivances to report their Opinions therein.

Vpon Consideration of the report of the Com^{tee} made vpon the Sixth and Seventh Paragraphs in the faid Inſtruccions relateing to his Majesties Revenue not to be anticipated, and that all Lawes whatſoever for the good Government and Support of the faid Colony be made indifinate and without Limitation of time. The Houfe agreed to the fame & accordingly

Ordered That it be referred to the Com^{tee} of Propofiçons and Greivances to report their Opinions therein

Vpon Consideration of the report of the Committee made vpon the Eighth paragraph in the faid Inſtructions Wherein It is propoſed that a Claufe be added to the Act paſſed in *Virginia* in the year 1684 intituled *An Act for altering the time of holding Gen^{ll} Courts* whereby it may be provided that the power of appointing Courts &c remaine in his Excellency or the Command^r in cheif for the time being. The Houfe agreed to the fame And accordingly

Ordered That it be referred to the Committee of Propofiçons and Greivances to report their Opinions therein

Vpon consideraçon of the Report of the Com^{tee} made vpon the Ninth Parāg: in the faid Inſtructions concerning a Survey to be made of all this Colony and Dominion and of each County in it, and an Exa^ct mapp to be drawn &c. The Houfe agreed to the fame and accordingly

Ordered That It be referred to the Committee of Propofiçons and Greivances to report their Opinions therein

Vpon Consideraçon of the Report of the Com^{tee} made vpon the Tenth Parag: in the f^d Inſtructions concerning the Indian Trade wherein It is Signified that out of his Maij^{ty} great Care for the welfare of this Colony, his Maij^{ty} hath preferred the perticular benefit

benefit of his Maij^{ty} Subjects here, before any other advantage that might accrue vnto him by refraineing that Trade &c The House agreed to the same and accordingly

Ordered That it be referred to the Committee of Propositions and Greivances to report their Opinions therein

Vpon Consideration of the Report of the Committee made vpon the Eleventh paragraph in the said Instructions. The House agreed thereto and accordingly

Resolved. That for the better Adminiftration of Justice a Bill be prepared whereby shall be sett the value of men's Eftates either in Goods or lands under which they shall not be capable of Serveing as Jurors &c And

Ordered that it be referred to the Com^{tee} of of Propositions and Greivances to prepare and bring in the said Bill

Vpon Consideration of the Report of the Com^{tee} made vpon the twelke paragraph in the said Instru^{ctions} the house agreed thereto and accordingly.

Resolved. that a Bill be prepared wherein the Method and Limitation of Appeals to the Govern^r and Councell may be fetled and refrained in Such manner as may be most convenient and easie to his Majesties Subjects in this Dominion And.

Ordered that it be referred to the Committee of Propositions and Greivances to prepare and bring in the said Bill

Vpon Consideration of the report of the Committee made vpon the Thirteenth Parag: in the said Instru^{ctions} concerning the refraineing of Inhumain Severities towards Christian Servants and Slaves &c The House agreed to the same And accordingly

Ordered That it be referred to the Com^{tee} of Propositions and Greivances to report their Opinions therein

Vpon consideration of the Report of the Committee made vpon the fourteenth Paragraph in the said Instructions relateing to the facilitateing and encourageing the Conversion of Negroes to the Christian Religion, The House agreed to the same and accordingly

Ordered That it be referred to the Com^{tee} of Propositions and Greivances to report their Opinions therein

Vpon Considera^{cion} of the Report of the Com^{tee} made vpon the fifteenth Paragraph in the said Instructions wherein is recommended the raiseing of Stocks and building Publick Workehouses in convenient places &c The House agreed to the same and Accordingly

Ordered That it be referred to the Committee of Propositions and Greivances to report their Opinions therein

Vpon Considera^{cion} of the Report of the Committee made vpon the Sixteenth Parag: in the said Instru^{ctions} concerning the building a House for the Govern^{rs} of this Colony for the time being. The House agreed to the Same and accordingly.

Ordered That It be referred to the Committee of Propositions and Greivances to report their Opinions therein —

Vpon Consideration of the Report of the Committee made vpon the Seventeenth parag: in the said Instructions, relateing to the fitting with Armes traineing and Mustering all Planters and Christian Servants — the house agreed to the same and accordingly

Ordered That It be referred to the Committee of Propositions and Greivances to report their Opinions therein

Vpon Consideration of the report of the Com^{tee} made vpon the eighteenth and nineteenth Parāg: in the said Instru^{ctions}, relateing to a Survey of all the considerable Landing places and harbours and Erecting of Such flortifications as shall be necessary at the Publick Charge of the Country. And also to the Settling of a fit Storehouses for keeping Armes, Amunition, and other publick Stores. The House agreed to the same and accordingly

Ordered That it be referred to the Com^{tee} of Propositions and Greivances to report their Opinions therein

Vpon

Vpon Consideration of the Report of the Committee made vpon that part of his Excell^{ty}s Speech and the Letter from the Lords of the Council for Trade and fioreigne Plantation, relateing to an Act to be pass'd here concerning Privateers and Pirates. The House agreed thereto and therevpon

Resolved. That a Bill be prepared accordingly, and

Ordered. That it be referred to the Com^{tee} of Proposicons and Greivances to p'pare and bring in the said Bill

Vpon consideracon of that part of his Excell^{ty}s Speech relateing to the Erecting a building to serve for publick Uses &c wherein the said Com^{tee} have resolved That a State house be built and that M^r *Chairman* pray Leave of the house and that the Committee do sit againe on *thirfday* come Sevennight to take the same into further Debate and Consideracon to w^{ch} the house agreed And

Ordered that the said Com^{tee} of the whole House do sit againe on *Thirfday* come Seven night to take the same into further debate & Consideracon as afore^d

Vpon Consideration of that Parag: of his Excell^{ties} Speech concerning the Law about the Militia to be amended The House agree to the Same and accordingly

Ordered. That it be referred to the Com^{tee} of propoficons and Greivances to report their Opinion therein

Vpon Consideration of that Instrucon of their Excellencies the Lords Justices of *England* relateing to the severe Punishment of Drunkenness and Debauchery, Swearing and Blasphemy The house agreed to the report of the Committee and therevpon

Resolved. That a Bill be prepared to punish and restraine the said Vices, and accordingly

Ordered. That it be referred to the Committee of Propositions and Greivances to prepare and bring in the said Bill

According to the Order of the House, The Clerk brought into the House all the Propoficons Greivances and Publick Claimes that were Lawfully brought to the last Assembly, and the said Propoficons and Greivances and Claimes were by the house againe referred to the respective Committees.

Norfolk County Greivances were read and referred to the Committee of propoficons and Greivances to report their Opinions therein

Princes Anne County Greivances were read and referr'd to the Committee of propoficons and Greivances to report their Opinions therein

Charles City County Greivances were read and referred to the Committee of Propoficons and Greivances to report their Opinions therein

M^r *Harrison* brought into the House from his Excell^{ty}s Severall Letters Accounts, and papers, concerning the Rangers, the Indians and their Trade which were laid vpon the Table

Ordered That the severall Letters and Addreffes from the Countys of *Henrico, New Kent, King* and *Queen & Stafford* concerning the Rangers and Indians be referred to the Consideration of the Committee of Propoficons and Greivances to report their Opinion therein

The Greivances of *Stafford* County were read and referred to the Committee of Propoficons and Greivances to report their Opinion therein

Colonel *Ludwell* from the Committee of Propoficons and Greivances reported that the said Com^{tee} had taken into consideracon Severall propoficons and Greivances to them referred and therein had agreed vpon Severall Resolutions which were read and then delivered in at the Table where being againe read the House proceeded to the Consideration of the Same

And vpon consideration of the report of the said Committee vpon the Greivances from the *Isle of Wight Nanfemond Accomack Northampton York Westmerland New Kent Elizab: City, Warwick* and *James City* County's Setting forth the great mischeifs and inconveniences to Trade and Commerce ariseing by the vncertaine value of foreigne Coines, and the Scruples of sever^l persons, refusing to take both Foreigne and *English* Coyn

Coyn and praying that a Law may be made for the Remedy thereof by affertaineing and regulateing the value of fforeigne Coines and *English* hammered and Clyft money which being duly weighed and maturely debated and confidered the houle agreed with the report of the Committee, that it is absolutely neceffary for the Good of the Country and therevpon the Houfe

Resolved, to refolve into a Committee of the whole Houfe to morrow Morning to take into Confideraçon the afcertaineing the value of Severall Sorts of Coyns in Order to the preparing a Bill accordingly

Vpon Confideraçon of the Report of the Committee vpon the Greivances from *Accomack* and *Lancafter* Countys praying that Negroes may be made reall Eftates, Except for payment of Debts, and alfo from *Accomack* County praying that no Negroes be fold or given but by Deed in writeing and that no Negroes be exported out of this Country but vpon Affidavit made that they are vnder no Claime or incumbrance, being confidered by this Committee they are of Opinion and do accordingly report that the makeing of Negroes reall Eftates is very unfuitable and inconvenient to the Circumftances of the Country That the giveing or felling of Negroes by Deed in writeing, is not absolutely neceffary and that a Law to inforce it would be inconvenient and that the Laws already made Sufficently provide about the exportation of Negroes to which faid Report of the Committee the houle agreed and therevpon

Resolved. That the faid Greivances be rejected.

Vpon confideration of the Committees report vpon the Greivance from *Surry* County praying that the Law for prevention of Marriages with Negroes Mulattoes and Indians be inforced and Strengthened by an Additionall Claufe, being confidered the houle agreed with the faid Report of the Committee that the fame is already Sufficently provided for by Law

Vpon Confideraçon of the report of the Committee vpon the Greivance from *Westmoreland* County Setting forth that the Law for Exporting Negroes out of the Country is perverted by fending them to *Maryland* and Soon after bringing them back againe being confidered the Houfe agreed with the report of the Committee and therevpon

Resolved That the Lawes already made do fufficently provide in Such Cafes

Vpon Confideration of the report of the Committee upon the Greivance from *Elizabeth City* County propofeing that all free Malatto woemen pay Taxes to which Report of the Committee the Houfe agreed & accordingly

Resolved. That a Bill be prepared Enjoyning free Mulatto woemen to pay Taxes and ordered that it be referred to the Comittee of propofitions and Greivances to prepare and draw the faid Bill. And alfo refolved That all Lawes relateing to Payment of Taxes by Woemen Slaves be repealed and the Subftance thereof added to the faid Bill

Vpon Confideraçon of the Report of the Committee vpon the Greivance from *Accomack* County praying that a Law may be made for preventing the Entertainm^t of Servants and Slaves, and to prevent dealing with Servants

The Houfe agreed with the Opinion of the Committee And

Resolved. That the Lawes already made do Sufficently provide in Such Cafes

Vpon Confideration of the Report of the Committee vpon the Greivance from *Middlefex* County, praying that a Law may be made to Impofe a Duty and Tax vpon fuch *Irish* Servants and Negroe Slaves by the Poll as fhall be imported into this Country to be paid by the Importers being confidered and Debated by the Comittee It is their Opinion and accordingly report that a Bill be p^rpared to lay an Impofition by the Poll vpon *Irish* Servants and Negro Slaves imported into this Country to be paid by the Importers thereof to which report of the Committee the Houfe agreed and therevpon

Resolved. That an Impoft be layd 7^d pole vpon all Servants (not being borne in *England* or *Wales*) and vpon all Negroe Slaves imported into this Country to be paid by the Importers thereof, and that a Bill be prepared accordingly

Resolved. That the faid Impoft be Ten fhill^s 7^d pole

Resolved That the faid Impoft be appropriated for and towards the building a State-houfe

Resolved

Resolved That it be referred to the Committee of Propositions and Grievances to prepare and bring in the said Bill and that it begin and be in force the fifteenth of *June* next and continue for three yeares and no longer

Vpon Consideraçon of the Comittees report vpon the Grievance of Severall Inhabitants in *Accomack* County praying That Townes may be promoted and built in this Country being considered by the Committee they are of Opinion and do accordingly report that the Act for ports doth Sufficiently Answer the same, the Execuçon of which at y^e time Stands Suspended &c. which said report of the Committee being debated in the house It is therevpon

Ordered. That it be referred to be further Debated and consider^d of by the Committee of the whole house to morrow Morning

Vpon Consideration of the report of the Committee vpon the Grievances from *Accomack* County Setting forth as a Grievance that *Virginia* has not Agents at *London* as other his Majesties Plantations have which being duly considered by the Committee they are of Opinion and accordingly report that they think it necessary and for the good of the Country that *Virginia* should be Supplied with able and faithfull Agents but that their want of money for their Suitable Support renders it difficult to be Effect^d and therefore refer the same to the consideraçon of the house w^{ch} being by the house maturely considered It is

Ordered. That the same be referred to the consideraçon of the next Assembly

Vpon Consideration of the Report of the Committee upon the Grievance from *Accomack* County relateing to Justices being free from Arrests in Court times being considered by the Committee they are of Opinion that a Law for the Same is not necessary to which Report of the Comittee the house agreed and

Ordered. That the said Grievance be rejected

Vpon consideraçon of the report of the Comittee vpon the Grievance from *Northampton* County praying that the Gen^l Courts and Assemblies in this Country be held as near as may be to the Center of the Country they are of Opinion and accordingly report that the same will be fully answered by the resolve of the Comittee of the whole house vpon that paragraph of his Excellencies Speech that relates to the building a State house. To which report the house agreed.

Vpon Consideraçon of the Report of the Committee vpon the Grievances from *York* and *Elizabeth City* Countys praying that a Law may be made to prevent the Discontinuance of proceßs and Courts by the not comeing of the Justices to the County Courts as also by their refusall to Sitt. The House agreed to the said Report of the Committee and accordingly

Resolved. That a Law for preventing the Discontinuance of Courts and Proceßs is good and necessary and that a Bill be prepared accordingly. And.

Ordered That it be referred to the Committee of Propositions and Grievances to prepare and bring in the said Bill.

Vpon consideraçon of the Report of the Com^{tee} vpon the Grievances of Sever^l Inhabitants of *York* County praying that a Law may be made for the building and keeping of *York* Court in a more convenient place. being considered by the said Com^{tee} they are of Opinion that the said Court house is already conveniently settled by Law and therefore report that the said Grievance be rejected. The house agreed to the said report and accordingly

Resolved. That the s^d Grievance be rejected

Vpon consideraçon of the Report of the Grievance from *Lancaster* County Setting forth that Justice is greatly delayed by the thinness of the Magistracy in Severall Countys and their too frequent Adjournments and chiefly by the Selling of Drink near the Court houses being by the Committee duly weighed and maturely considered they are of Opinion and report That as to the thinness of the Magistracy applycation may be made to his Excell^{cy} for Redress thereof

And that the Mischiefs ariseing from the Selling of Strong Drink near the Court
houses

houses will be prevented and answered by the Bill for Suppression of Imorality and Prophaneness The House agreed to the report of the Committee & accordingly

Resolved. That the Greivance is fully answered

Vpon confideraçon of the Report of the said Com^{tee} vpon the Greivance from *Accomack* County praying that the time for payment of Burgeffes for the said Counties dureing their going and returning to and from the Gener^l Assemblys may be enlarged by Law. The house agreed to the report of the Committee and accordingly

Resolved. That the said Greivance be rejected

Vpon Consideration of the Report of the Com^{tee} vpon the Greivance from *Accomack* County praying That a Law may be made agreeable with the Statutes of *England* to prevent the undue Elections of Burgeffes to serve at the Generall Assemblys The House agreed to the said Report and accordingly

Resolved. That a Bill be prepared to p^rvent the undue Elections of Burgeffes to serve in the Generall Asssemblies agreeable as near as may be to the Laws and Statutes of *England* and Suitable to the Circumstances of this Country and that a Suitable forme of returns for all Sheriffs to endorfe vpon the writt for the Election of Burgeffes be likewise added to the said Bill and therevpon

Ordered. That the same be referred to the Com^{tee} of Proposiçons and Greivances to prepare and bring in the said Bill

Vpon confideraçon of the report of the Committee vpon the Greivances from *Lancaster. Accomack. New Kent* and *Henrico* Countys praying a Law may be made to prevent the Exportation of Old Iron out of the Country The House agreed to the said Report and accordingly resolved That the same is good and necessary and that a Bill be prepared accordingly

Ordered. That it be referred to the Committee of Proposiçons and Greivances to prepare and bring in the said Bill.

Vpon confideraçon of the report of the Committee vpon the Greivances from *Accomack* County Setting forth the great decrease of Game Especially of Venison occasioned by the vnseasonable killing of Deer when poor and of Does bigg with Young and praying that a Law may be made for prevention thereof by P^rhibiting both *English* and Indians from killing of Deer at any time between the first day of *February* and the last day of *July*. The house agreed to the report of the said Committee and accordingly —

Resolved. That a Bill be prepared prohibiting the killing of Deer by any person at any time between the first day of *February* and the last day of *July*. And therevpon

Ordered That the said Bill be prepared and brought in by the Committee of Proposiçons and Greivances

Vpon Consideraçon of the report of the Com^{tee} vpon the Greivance from *Accomack* County praying that the Incouragement to the Indians for killing of Wolves may be enlarged by Law. And the Greivances from *Northampton* and *Nansemond* County praying That the encouragem^t for killing of Wolves may be Lessened by Law. being considered by the Com^{tee} they do report they are of Opinion that the Lawes already made giving Encouragement for the killing of Wolves are good and Necessary The House agreed with the report of the said Committee and therefore

Resolved. That the said Greivances be rejected —

Vpon confideraçon of the report of the Com^{tee} vpon the Greivance from *York* County Setting forth that Millers keep, too big Toll Dilhes, and the Greivances from *Lancaster Henrico* and *Westmerland* Countys Setting forth That Millers Toll is too large— and praying that a Law may be made to lessen the Same And also the Greivance from *New Kent* County praying that a Law may be made to enjoyne the Proprietors of Mills to keep their Mills in good repaire and Millers constantly to attend and that they Gripe for the Eighth part of Indian Corne being duly considered by the Com^{tee} they report that the Laws already made giving Toll to Millers are good and necessary and that the Interest of Proprietors of Mills will compell them to keep their Mills in repaire and Millers constantly to attend. The House agreed to the Said report and therefore.

Resolved that the said Greivances be rejected

Vpon

Vpon Consideration of the Report of the Committee upon the proposi^{tion} of *Westmerland* County praying that a Law may be made giving Encouragement to destroy Crowes &c. The Committee do report that they are of Opinion that a Law for the same is not necessary to which report the house agreed and therevpon

Resolved. That the said Proposition be rejected.

And then the House Adjourned till to morrow Ten a Clock

Tuesday May the 9th 1699.

MR *Dionefious Wright* upon his Petition (referred from his Excellencye and Council to this house) is appointed Clerk of the Committee of those hon^{ble} Gent^{le} of y^e Council and those Members of this house nominated to consider and report the Severall Titles and Claimes to Land in *Pomonkey Neck* and at *Blackwater*.

The House being informed that M^r *John Chiles* the messenger of the House attended at the Door with the Sheriff of *Effex* County.

Ordered. That he bring the said Sheriff into the house and being brought in accordingly he amended his returne by racing the Old Returne on the writt for Election of Burgefs for the said County and in the roome thereof entred a new and Sufficient Returne on the said Writt for Election as aforefaid And the said Sherriff being wthdrawn was ordered to be called in and then

Ordered To be discharged paying ffees.

According to the Order of the House Yesterday. The House resolved into a Committee of the whole House to take into consideration the ascertaineing and Setting a Value upon Severall Sorts of Coyns in order to the preparing a Bill And also the Report of the Com^{tee} relating to Townes And M^r *Cary* took the Chaire, wherein having spent some time, M^r *Speaker* resumed the Chaire and M^r *Cary* moved the house that Leave might be given to the Com^{tee} of the whole house to make Report of the Proceedings of the said Committee to morrow Morning. and Accordingly

Ordered That leave [be] Given to the said Com^{tee} to make report as aforefaid to morrow Morning. And Then

The House adjourned till to morrow 10 a Clock.

Wednesday May the 10th 1699.

MR *Cary* reported from the Committee of the whole house that the said Committee in those two matters referred to them (relating to the ascertaining the value of severall Sorts of Coyns and that concerning Townes) had agreed to some Resolutions which were read and then delivered in at the Table where being againe read the house Proceeded to the Consideration of the Same.

Upon the Consideration of the Report of the said Committee concerning the value of Several Sorts of Coyns. the s^d Committee having vpon mature Consideration and full Debate of the Same reported their Opinions as followeth

Resolved. That all peices of Eight as well *Peru* as others that Weigh twelve penny weight do pass Currant at four Shillings and all halfe peices of Eight as well *Peru* as others that weigh Six penny weight do pass Currant at Two shillings each and so to be advanced four pence vpon every penny weight the said peices and half peices of Eight shall weigh.

Resolved That all quarter peices pass Curr^t at fifteen pence. Royalls at Seven pence halfe penny and halfe Royalls at three pence three farthings as formerly.

Resolved That all Dogg and Lyon Dollars do pass Curr^t at four shillings Each.

Resolved. That all Rix Dollars and Duccatoons do pass Currant at Six shillings Each

Resolved.

Resolved. That all *French* Crownes do pass Curr^t at five shill^s each

Resolved. That all *Spanish* Pistolls and Lindores do pass Currant at twenty shillings each

Resolved. That all Chickeens and *Arabian* peices do pass Currant at Ten shillings Each

And further the said Committe report & accordingly

Resolved. That it be provided that the Value and Rates Sett on these Coyns as aforesaid shall not Extend to the payment of Debts which are already contracted The House agreed to the said Resolves of the Committee of the whole house And

Ordered. That it be referred to the Committee of Claimes to p^rpare and bring in the said Bill

Vpon considera^on of that part of the Committees report concerning Townes the said Committee have reported as followeth

Resolved. That it is the Opinion of this Committee that a Bill be p^rpared to confirme to all persons their lands as followeth.

That all Trustees for Lands in every County where the s^d Countys have laid out and purchased and paid for fifty Acres of Land pursueant to an Act of Assembly made in the yeare 1691 or pursueant to an Act of Assembly made at any other time be confirmed in fee to the said Trustees

That where any County in pursueance of any of the Laws for laying out the fifty acres of Land, have paid for the same, and either by death of the proprietor or other Accident the said Land has not been conveyed to Trustees according to the said Law that the same be confirmed to the Countys and Trustees thereto appointed and empowered to convey the same as in other Cases

That where any Trustees to Land purchased and paid for as aforesaid be dead or departed out of the Country the Courts be empowered to appoint others in their Stead

That the said Trustees have a good and absolute Estate in fee in the said Land (not by former Trustees disposed of) In Trust and Confidence to and for the Uses to which it was first laid out and purchased.

That Such person or persons as have purchased and paid for any Lott or Lotts in any the said Townes pursueant to the said Law be confirmed in the same to him and his heires for ever Provided they have complied with the Conditions in the said Law mentioned

That the said Trustees have still power to convey to Such personas as desire to take vp any Lott in any the said Townes as if the said Law had not been suspended they being obliged to proceed to building as they formerly by the said Law were to have done.

The House agreed to the said Report of the Committee of the whole house and vpon further considera^on of the Same

Resolved that where any person or persons have taken taken vp and paid for any Lott in any the said Lands laid out for Townes as aforesaid but have yet received no Conveyance for the Same. That the respective Trustees be Enabled to make and give a firme Conveyance to such person or persons in fee as might have been done before the Suspension of the said Law And further

That where any person or persons have taken vp and paid for any Lott or Lotts in any Such Lands for Townes and pursueant to the Law laid Timbers vpon the Same intending to proceed to Building as by Law enjoyned but vpon Suspension of the said Land did forbear and not build therevpon That Such persons have Such time given them to build vpon their Said Lott or Lotts as those that shall or may take after this Law a Conveyance for any Lott in any the Lands aforesaid.

Ordered That it be referred to the Committee of Claimes to prepare and bring in a Bill for confirmation of the Lands as afores^d

The proposition of two Members of this House concerning the Law against Hogg stealing, and that Hogg stealing may not be understood to be within the Law for prosecuting and trying Negroes or Slaves in the County Courts for Capital Crimes by Commission

million of Oyer and Terminer, was read and referred to the Committee of Propositions and Grievances to report their Opinions therein

A message from his Excellency by M^r Harrison

M^r Speaker

His Excellency Commands the immediate Attendance of this House in the Great Hall

And accordingly The House went and attended his Excell^{cy} in the Great Hall

And being returned M^r Speaker acquainted this Worshipfull House that what his Excellency was pleased to say to this House in the great hall he was pleased to cause to be delivered to him in writing to be Communicated to the House which was read as followeth.

M^r Speaker and Gentlem: of y^e House of Burgeses

There are already before you many matters of very great Importance for the Service of his Majesty and this his Government I have also many other things of moment to recommend to you which I would willingly have dispatched as Soon as may be if a proper method can be agreed vpon for performance thereof.

But all these things cannot well be considered and perfected by you without a very long Session, w^{ch} at this time I take to be no waies convenient, Either for his Majesties Service or yo^r interest. the Season of the yeare is already farr advanced, and It is of great Concerne to Such of you Gentlemen as are concerned in Trade to dispatch your affaires lest the Advantage of this yeares Shipping be lost to you. It is also of Consequence to Such of you as have the Management of Plantacons to make the best vse you can of the time present Lest you loose the Opertunity of provideing for y^e Cropp that is now comeing on. The weather likewise grows very hott and may be prejudiciall to your healths if you stay long in this place. Especially considering the Incommodiouness of the Roome you Sit in, which is the best I could find in Towne, and the Charge of a long Session will be very Burthenfome to the Country at this time there being severall great Debts due from the Publick which of necessity must be paid by a Levy vpon the poll

Now to make every thing as easie as may be and yet to have all done that is requisite for the Service of his Ma^{tie} and the benefit and Advantage of this his most antient and Great Colony and Dominion I and his Majesties Hon^{ble} Council have fallen vpon an Expedient which we think will answer the Ends proposed and to communicate that to you is the only reason of my calling you hither at this time

In his Majestys Royall Instruccions to me of w^{ch} I gave you a Copy at the Opening of this Session, a Revissall of the Laws is recommended and this is the Expedient I propose to you that Such method may be settled for the doing of it, as may perfect it in the Intervalls between the Sessions, and in Order to the settling and agreeing vpon these methods. Wee have appointed a Committee of ffive Members of the Councell to be joyned with a convenient number of the Members of your house and that you may the more cleerly apprehend my Intention herein I have caused a few of the of the most generall heads of the method to be drawne vp to be given to you which I recommend to your present Consideration and if you agree vpon that I shall only recommend to you Some few things of absolute necessity to be done at present that we may come to the Conclusion of this Session as Soon as conveyntly may be

A Proposition of the method for reviseing the Laws

That a Comittee be appointed for that Service to consist of five Members of the Council and of the House of Burgeses who shall be obliged to attend and if any other Councill^{rs} or Burgeses will be present they shall have votes

That the Committee shall not proceed to Act with a Les Number than three of the Council and of Burgeses

That any three of the Com^{tee} of which One to be of the Council by warrant vnder their hands shall have power to send for persons, papers, and Copies of Records, and all Officers and other persons to be obliged to give Obedience to Such Warrants.

That all persons that have any Old Records, Manuscripts or papers relating to the first Settlement of the Government be required to let the Committee have a Sight thereof

That

That the Committee shall have power to receive Propositions from any persons that will offer them.

That during the time the Committee is Sitting at *James City* publick notice shall be given that no person may come about any business to the Secretarys Office which may hinder the Committee in their Sight and Use of the Records in that Office.

Mr *Buckner* acquainted the House that the Committee of those Members of the honorable Council and the Members of this house joyned with them to Examine and report the Claimes of Land att *Blackwater* and *Pomonkey Neck* had made Choice of a Room in Mr *fowlers* House to Sit in and the house approves their Choice

Ordered. That the Clerk of the House publish the place where the Committee appointed to Examine and make report of the Severall Claimes to Land at *Blackwater* and *Pamunkey Neck* do Sit, by setting vp a Certificate at the Door of the House where the Burgeffes sit

Ordered and accordingly *Resolved.*

That the House do resolve into a Committee of the whole house to morrow morning to take into further Consideration his Majesties proposition relateing to the Revifall of the Lawes

The Petition of Mr *Robert Beverly* Setting forth that he had transcribed into a faire Book Severall Antient Records relateing to the Country was read and referred to the Committee of Claimes to report their Opinions therein

The Petition of Mrs *Rachell Sherwood* Setting forth a Claime for the Use of her house where his Exc^{ty} and Council Sit And also for the other Roomes since the State house was fired made use of for the Secretarys Office and Assembly Records was read and referred to the Committee of publick Claimes to report their Opinions therein

Co^{ll} *Ludwell* reported from the Committee off Propositions and Greivances that the said Committee had taken into consideration Severall Propositions and Greivances to them referred and therein had agreed vpon Several Resolutions which were read and then delivered in at the Table where being again read the house proceeded to the Consideration of the same

Vpon Consideration of the report of the Committee vpon the Greivances from *Westmoreland Lancaster* and *New Kent* Countys praying that no Corne nor Graine may be Exported out of this Country. and from *MiddSex* praying that a Duty may be laid upon Corne to prevent the Exportation thereof being duly considered and debated by the Committee they are of Opinion and accordingly report that a Law for the Same is not necessary and therefore resolved that the said Greivances be rejected

The House disagreed to the said Report of the Committee And therevpon

Resolved. That a Bill be prepared to prohibite the Exportation of Indian Corne and Wheat out of this Country from the time of publication of the said Law untill the 25th day of *December Anno Dni 1700* And

Ordered That it be referred to the Com^{tee} of Propositions and Greivances to prepare and bring in the said Bill

Vpon Consideration of the Report of the Com^{tee} vpon the proposition from *New Kent* County praying that the Law for Rangers may be continued in force, being considered by the Committee they are of Opinion that a firme peace being concluded and Settled a Law for the same is not necessary and that the said proposition be rejected

The house agreed to the Report of the Committee

And

Ordered that the said proposition be Rejected.

Vpon the Consideration of the report of the Committee vpon the proposition from *Gloucester* County That his Majesties Quitt Rents may be paid in Tobacco at two pence P pounds or if in Money the value to be ascertained in *Spanish* Money And also the Greivances from *Isle of Wight* and *Nanfemond* Countys Setting forth that they pay too large Quitt R^{ts} They are of Opinion that the Quitt Rents being his Majesties Revenue lyes properly in his Majestye for Redrefs and therefore Resolve that the said Greivances and propositions be rejected

The House agreed to the Refolve of the Com^{tee} and

Ordered that the said Greivances & propositions be rejected

Vpon Consideraçon of the Report of the Com^{tee} vpon the propositions from *Lancaster* and *Gloucester* Countys that Corroners may be had in every County being Considered by this Committee, they are of Opinion that a Law for the same is necessary and fit for the Consideration of those who may be appointed to revise the Lawes

The house agreed to the Report of the Com^{tee} and

Ordered y^t it be referred to the Committee that may be appointed to revise the Lawes.

Vpon Consideraçon of the Report of the Com^{tee} vpon the Propositions from *Lancaster* and *Gloucester* Countys that a Law may be made how writts of Replevin should Issue and from whom, being considered by this Committee they are of Opinion that a Law directing the Same would be good and necessary and leave it to the consideration of the house. whether it may not be referred to those who may be appointed to revise the Laws and therevpon

Ordered That it may be referred to the Committee that may be appointed to Revise the Laws

Vpon Consideration of the report of the Committee vpon the propositions from *Gloucester* and *Lancaster* Countys that no Imposition be Laid vpon Liquors being considered by the Committee they are of Opinion that the same will be fully answered vpon Consideration of that Paragraph of their Excellencies the Lords Justices Instruçons relating to the Imposiçon vpon Liquors

The House agreed to this report of the said Com^{tee}

Vpon Consideraçon of the report of the Committee vpon the Greivances from *Gloucester* and *Lancaster* Countys, praying that a Law may be made provideing more fully for the maintenance of Bastard Children being considered by this Committee they are of Opinion and accordingly report that the Same is already Sufficiently provided for by Law

The House agreed to this Report of the Com^{tee} And

Ordered That the 1^d Greivances be rejected.

Vpon Consideraçon of the Report of the Com^{tee} vpon the Proposition from *Northampton* County that no Tobacco and other Comodities of the Growth of this Country, paying duties here and Shipped on board of Shippes in *Maryland* may be exempted from the payment of Duties there being Considered by this Committee they are of Opinion that there being no Law to compell the Payment of Such duties twice a Law for prevention thereof is not necessary, and therefore resolve that the said propositions bee rejected.

The house agreed to this Report of the Committee &

Ordered that the said Proposiçon be rejected

Vpon Consideration of the Report of the Committee vpon the Greivance from *Northampton* County praying that a Law may be made to prevent the Mischeifs arising from the killing of Whales by poysoning the fish and depriveing great numbers of the Inhabitants of this Country of the benefit thereof, being considered by this Committee they are of Opinion that a Law to prevent the killing of Whales within the Capes of *Virginia*, would be good and necessary.

Resolved that a Bill be prepared and drawne accordingly

The House agreed to the Refolve of the Committee &

Ordered that it be referred to the Committee of propositions and Greivances to prepare and bring in the Said Bill

Vpon Consideraçon of the Report of the Com^{tee} vpon the propoosition from *Northampton* County, That a Law may be made to Explaine the 11th Act of Assembly 1696 Whether the Sherriiffs are by the said Law obleiged to Collect the Parish Duties at five p^{ts} C^t w^{ch} being consider^d by this Committee they are of Opinion That there are severall other ambiguities in the said Law which require an Amendment and a Revissall of the Laws being proposed they do therefore leave it to the Consideration of the house whether
the

the same may not be referred to the Consideration of those who may be appointed to Revise the Laws and thereupon

Ordered That it be referred to the Committee that may be appointed to revise the Laws

Vpon Consideration of the Report of the Committee vpon the Greivance from *Northampton* County setting forth that the Inhabitants thereof are greatly oppressed by the Collectors living remote from Entering and clearing Shippes and Vessells And doth not appoint a convenient Deputy which being considered by this Committee they are of Opinion that It is a proper Method to make Application to his Excellencie for Redress therein And therefore resolved that the said Greivance be rejected

The House agreed to this Resolve of the said Committee and

Ordered That the said Greivance be rejected.

Upon Consideration of the Report of the Committee vpon the Greivances from *Northampton* and *Charles City* Countys Setting forth the great mischeifs and Damage arising from the great number of unruly Horses who are suffered to go at large and do great Spoil and Injury praying that a Law may be made for prevention thereof which being considered by the Committee they are of Opinion in regard the Same hath been a Constant Greivance from Severall Countys that a Law for Pounds would be good and necessary and

Resolved That a Bill be prepared and drawne accordingly

The House agreed to this Resolve of the Committee and

Ordered. That it be referred to the Committee of Propositions and Greivances to prepare and bring in the said Bill

Vpon Consideration of the Report of the Committee Vpon the Greivance from the *Isle of Wight* County praying that no Imposition may be laid vpon the publick for the Use of the Colledge being considered by this Committee they are of Opinion (no such thing appearing to them to be intended) That the said Greivance be rejected

The House agreed with the report of the Committee And

Ordered That the said Greivance be rejected.

Vpon Consideration of the report of the Committee vpon the Greivance from Severall Inhabitants of the *Isle of Wight* and *Charles City* Countys praying that the Land on the South Side *Blackwater* may be at Liberty to be taken up and seated, This Comtee conceive it to lye before the Committee for the *Blackwater* and *Pamunkey* Neck Lands, and therefore resolve that the said Greivance be referred to the Said Committee

The House agreed to this report of the Committee And

Ordered That it be referred to the Committee appointed to Examine and make report of the Claymes and Titles to the *Blackwater* and *Pomonkey* neck lands

Vpon Consideration of the Report of the Committee vpon the Greivance from the *Isle of Wight* County Setting forth that the Church Wardens and Vestry men of Several Parishes are not qualified by Law upon which the said Comtee report that the said Greivance be rejected the Law sufficiently providing in Such Cases

The House agreed with the Report of the said Committee and

Ordered That the said Greivance be rejected.

Vpon Consideration of the report of the Committee upon the proposition from *Henrico* County, praying a Law may be made for the paying of Levies for Such *Tuscarora* Indians as make Tobacco and Corne amongst the *English* for their Use and that they may be listed as Tythables. and the Greivance from *Chas: City* County praying that the said Indians may be restrained from coming in amongst the *English* &c. being considered by the Committee they are of Opinion that a Law in Such Cases is not necessary And therefore

Resolved That the said proposition and Greivance be rejected

The House agreed. with the report of the Committee And

Ordered. That the said Proposition and Greivances be rejected

Vpon Consideration of the Report of the Committee vpon the proposition from *Nansemond* County that the Laws of this Country may be revised being duly weighed
and

and considered by this Committee they are of Opinion that in regard the whole body of the Lawes of this Country do lye in great Confusion many of which are ambiguous and vncertaine many repealed by Proclamation and many growne out of Use, It is a Work highly and absolutely necessary for the good of this Country that the whole Body of the Lawes be revised the Method and manner of which it being a matter of great Consequence they leave it to the Consideration of the House. Upon which report the House do agree that the same will come under the further Consideration of the Committee of the whole House to morrow & accordingly

Ordered. That it be referred to the further Consideration of the Committee of the whole House to morrow

Vpon Consideration of the Report of the Committee vpon the Proposition of Some of the Inhabitants of *Wilmington* Parish praying that they may be United to *James City* Parish being considered by this Committee they are of Opinion that the said Proposition be rejected

The House agreed to the report of the Committee And

Ordered That the said Proposition be rejected

Upon Consideration of the Report of the Committee upon the propositions of Severall Inhabitants of *Charles City* County praying that a Line may be run to ascertain y^e Bounds between *Charles City* and *James City* Countys being maturely Debated & considered by this Committee they are of Opinion and do accordingly report that the same being a matter of Consequence & many other Countys under the same State is worthy the Consideration of the next Assembly.

The House agreed to the Report of the Committee And

Ordered. That it be referred to the Consideration of the next Assembly

Vpon Consideration of the Report of the Committee vpon the Greivance from *Charles City* County, praying that Mulattoes may be restrained by Law as well as others from keeping of Christian Servants being considered by this Committee, it is their Opinion that the same is necessary and worthy the Consideration of those who may be appointed to revise the Laws for redress thereof

The House agreed to the Report of the Committee And

Ordered that it be referred to the Committee that may be appointed to Revise the Laws—

Upon consideration of the Report of the Committee upon the Greivances from *Gloucester* and *Lancaster* Countys praying that a Law may be made for inlargeing the Penaltys upon false taring of Tobacco Hogsheds being considered by this Committee, they are of Opinion That the Laws already made do give a Sufficient Penalty for the same, and therefore resolved that the said Greivances be rejected

The House Disagreed to this Resolve of the Committee And

Ordered That the said Greivances be referred to the Consideration of the Committee that may be appointed for Revision of the Laws for further Consideration And that Such Remedy's may be taken that the said Law may fully Answer the ends to which it was made.

Upon Consideration of the report of the Committee upon the Proposition from *Westmerland* County that a Law may be made more Effectually for the prevention of Hogg stealing being considered by this Committee they are of Opinion That the Lawes already made are effectually and do Sufficiently provide for the Same And therefore Resolved that the said Proposition be rejected—

The House agreed to this Resolve of the Committee And

Ordered That the said proposition be rejected

Vpon Consideration of the Report of the Committee upon the proposition from *Gloucester* and *Lancaster* Countys praying that Care may be taken for the Education of Youth brought up in the Christian Religion being considered by this Committee they are of Opinion and accordingly report that the same is already Sufficiently provided for by Law

The House agreed to the Report of this Committee And.

Ordered. That the said Greivance be rejected.

Vpon Consideration of the report of the Committee upon the Greivances from *Accomack, Lancaster* and *Gloucester* Countys praying that a Law may be made to punish Vagrant Vagabond and Idle Persons and to assesse the Wages of Common Labourers being considered by this Committee they are of Opinion and doe report that the Same is already Sufficiently provided for by Law.

The House agreed with this Report of the Committee And

Ordered That the said Greivances be rejected.

Upon Consideration of the Report of the Committee vpon the Greivance from *Charles City* County praying That the Act for prevention of Shooting vpon other Mens Land, may be enforced being considered by this Committee it is their Opinion and accordingly resolved that the same is Sufficiently provided for already by Law

The House agreed to the Resolve of this Committee, and

Ordered That the said Greivance be rejected.

Upon Consideration of the report of the Committee upon the Proposition from *Lancaster, Gloucester* and *Accomack* Countys praying that for prevention of Sabbath breaking. That The Act of the first of *William* the third for Toleration may be put in Execution So that all people may be obliged to attend some Congregation or place of Worship, being considered by this Committee they are of Opinion that nothing obstructs the said Law in Execution in this Country and therefore

Resolved that the said Proposition be rejected.

The House disagreed to the Resolve of the Committee and

Ordered. That the Committee of Propositions and Greivances to whom it is referred to prepare a Bill against Immoralities and other vices &c Do take the said Proposition into further Consideration And for prevention of Sabbath breaking &c make Sufficient Provision in the said Bill

Vpon Consideration of the report of the Committee upon the proposition of Severall Burgeesses of the last Assembly for prevention of Ligtigious Suites before a Justice of Peace &c, being considered by this Committee they are of Opinion that the Law for the same is not necessary and therefore resolved that the said Proposition be rejected.

The House agreed to the Committees Report And

Ordered That the said Proposition be rejected.

The Greivance from *Stafford* County praying That a *Piscataway* Indian knowne by the name of Esq^r *Tom* convicted vpon Record for the barbarous murder of Some of his Majesties Subjects in the said County may be demanded of the Emperour of y^e *Piscataways* who entertaines and protects him from condign Punishment which being considered by this Committee and it appearing to them to be a matter of great Consequence. and difficulty, to avoid either the Suffering Such a Barbarous Villain to goe unpunished or to bring vpon this Country a Warr with the *Piscataway* Indians

It is their Opinion that the same is worthy to be left to the Consideration of the whole house — wherevpon The House haveing the same under Debate and Consideration and being Vnwillling that a matter of Such great weight and Consequence should pass without Prudent and due consideration.

Ordered That the same be referred to the further Debate and Consideration of the whole House to morrow

The report of the Committee of Propositions and Greivances upon the Petition of Severall Inhabitants of *Norfolk* County Setting forth that they have been very much Injured and Oppressed by the Laying of a Parish Levy in the said County without the Consent of the Vestry of the said Parish and of severall other Abuses Committed in the Said County which being considered by the Said Committee and it appearing to them that there is great Cause of Suspition of unjust and undue Practises therein, It is their Opinion that the said Complaint be referred to the Court of the said County of *Norfolk* to Examine into the truth of the whole matt^r and make report thereof to the next Assembly.

The Houſe diſagreed to the ſaid Report and vpon further and mature conſideration of the ſaid Report vpon the Petition as aforeſaid

Reſolved and accordingly *Ordered* That Colonel *Anthony Lawſon* M^r *Benony Burroughs* M^r *John Thorowgood* and M^r *Edward Moſely* Juſtices of *Princes Anne* County or any three of them at Some conveinent time between this and the next meeting of Affembly be required to Examine and make Enquiry into the reaſons of the whole matter complained of in the Petition aforeſaid and that the ſaid four Juſtices of *Princes Anne* County or any three of them be hereby impowered to call before them all Such perſon or perſons of the Veſtry or any others that they ſhall find neceſſary to call before them as Evidences for the better diſcovery of the premiſſes with power alſo to demand and take from the Clerk of the Veſtry Copies of the Levye or other Papers they may have occaſion for And all Officers are hereby required to give due obedience to the aforeſaid Juſtices or any three of them whereby they may be the better Enabled to make a true and perfect Report of the whole matter which Examination and Report the ſaid four Juſtices of *Princes Anne* County or any three of them are required to returne to the Clerk of the Houſe of Burgeſſes at ſome convenient time before the meeting of the next Affembly And then

The Houſe adjourned till Ten a Clock to morrow

Thursday May the 11th 1699.

V P O N the returne of the Writt for Election of a Burgeſſ in *Henrico* County in the room of *William Randolph* now Clerk of the Houſe was read in the Houſe And therevpon

Reſolved. That Captain *Thomas Cock* is duly Elected and return^d Burgeſſ to Serve in this Affembly for *Henrico* County.

The Certificate of *Richard Lee William Bird* and *Edward Hill* Eſq^{rs} That they had Adminſtred the Oathes appointed by Act of Parlim^t inſtead of the Oathes of Allegiance and Supremacy to be taken. The Teſt and aſſotiacon appointed by Act of Parliam^t and the Oath of a Burgeſſ for this p^rſent Gen^l Affembly to M^r *Thomas Cock* Burgeſſ for *Henrico* County was read and the ſaid M^r *Cock* took his place accordingly.

The Petition of *William Davis* to be admitted one of the Door keepers to this Houſe was read vpon which the Houſe being of Opinion that there is no Vacancy but that the houſe is already Supplied with Door Keepers —

Ordered. That the ſaid petition be rejected.

The Petition of M^r *Ch: Corbin Thacker* Clerk of the Secretarys Office for the vſuall Claime due to him as Clerk aforeſaid was read and Referred to the Committee of Claimes.—

The Petition of M^r *James Sherlock* as Clerk to the Gener^l Affembly for Allowance for the laſt meeting of Affembly was read And.

Ordered. To be Referred to the Com^{tee} of Claimes.

The further Conſideration and Debate upon the report of the Committee of Greivances and Propoſitions vpon the Greivance from *Stafford* County, referred to this Day and being now reſumed. The Houſe having under their Conſideration the matters relateing to the *Piſcattaway* Indians at the head of *Stafford* County as alſo the Greivance from the ſaid County complaining that the Indian knowne by the name of Eſq^r *Tom* convicted vpon Record for the barbarous Murther of ſome of his Majeſtys Subjects in this County and praying he may be demanded of the Emperor of the ſaid Indians whom they ſay entertains and proteſts him, are of Opinion before this Houſe proceed to any Reſolution therein that a Conference be held with the hon^{ble} Council. And

Ordered That M^r *Leigh* M^r *Lloyd*, M^r *Mason* and M^r *Spence* wait vpon the Hon^{ble} Council and deſire a Conference accordingly and that they will pleaſe to appoint ſome of their Members to conferr with ſome of the Members of this Houſe and time and place for holding the ſaid Conference.

The

The Petition of *Thomas Davis* ferryman his Claime for ferrying Severall Indians over *James River* was read And

Ordered That it be referred to the Committee of Claimes.

The Petition of *John Tullett* referred by his Excellency and Council to this house wherein he claimes allowance for fitting House, where the House of Burgeses Sit for the Accomodation of the present Assembly was read and

Ordered That it be referred to the Committee of Claimes

The Petition of *Mr Robert Beverly* late Clerk of the Secretarys Office for his vsuall Salary was read and

Ordered. That It be referred to the Committee of Claimes.

The Petition of *Mr Robert Beverly* to this Generall Assembly referred by his Excellency and Council to this House Setting forth that he was directed and did prepare Several Commissions of Oyer and Terminer for Tryall of Criminall Slaves &c for which no fee being Sett was refused payment in the respective Countys and therevpon making his Claime of the Publick for the Same upon Debate the question was put.

Whether the ffive Thousand pounds Tobacco allowed the Clerk of the Secretarys Office was Satisfaction of all publick Services

And Passd in the Affirmative

Resolved. That it be Sett a Standing Rule to this House. That noe Clerk of the Secretarys Office for publick Services be allowed for the future more then the Usuall allowance of ffive Thousand pounds of Tobacco

An Order by his Excellency and Council beareing Date the twenty first day of *October* 1698 appointing *Mr Peter Beverly* and *Mr Robert Beverly* after the late unhappy fire of the Sate house to Sort & put in order the respective Records and papers belonging to the Secrētys and Assemblies Offices and also the Order of his Excellency and Council beareing Date this Day relateing to the Same together with Petition of the said *Mr Peter* and *Mr Robert Beverly* were Severally read and

Ordered. They be referred to the Committee of Claimes, And that the said Committee of Claimes be a Committee appointed to view and inspect the Several papers Records &c and make Report thereof

Then the House (according to the Ord^r of the day) resolved itself into a Committee of the whole House to consider his Excellencys Proposition concerning the Reviseing of the Laws and after some time spent therein *Mr Speaker* resumed the Chair and *Mr Cary* reported from the said Committee that they had come to Some resolution in the matters to them referred w^{ch} he read in his place and afterwards delivered in at the Table where the same were read as followeth

That to the first Proposition appointing a Committee for that Service consisting of five of the Members of the Council and a Competent number of the Burgeses who shall be obliged to attend, and if any other Councillor or Burgeses will be present they shall have Votes

This Com^{tee} is of Opinion and report that three of the Council may be a competent number with Six of the Burgeses and in case of Death, Sickness, or other Difability of any the said Members of the Council or Burgeses his Excellency be desired and impowered to name others of the Council instead of the Councill^r so dead or incapable And *Mr Speaker* to name others of the Burgeses instead of any of the Burgeses So dead or incapable And that no other person whatsoever be admitted to Vote in the said Committee

That the Committee do not proceed to Act with a Less number then two of the Council and four of the Burgeses

That any three of the Committee of which One to be of the Council by warrant under their hands shall have power to Send for Persons, papers and Copies of Records and all Offycers and other persons to give Obedience to Such Warrants

That all persons who have any old Records Manuscripts or papers relateing to the first Settlement of the Governm^t be required to let the Committee have a Sight thereof

That

That the Committee shall have power to receive propositions from any person that will offer them

This Committee conceiving not any occasion for a restriction upon the Secretarys Office or any persons coming thereto power being before given to the Committee for a View of all Records and Papers that may be desired. —

Further this Committee proposes that the said Committee on the Revival do constantly meet at *James City* on the first *Tuesday* in every Month and *Sit de die in diem* not less then ten daies nor longer then fifteen in One Month and to begin first on the first *Tuesday* in *July* and that all Adjournments be to the first *Tuesday* in every Month Successively vntill the Revival be Accomplished. But if it shall happen not to be accomplished in *November* next or before that then the Adjournment be to the first *Tuesday* in *March* following.

That Mr *Peter Beverly* be Clerk of the said Committee and that Mr *Harrison* and Mr *fowler* be Assistants to the said Committee as occasion, And in case of the death or other disability of the said Clerk or Assistants the said Committee have power to choose and appoint others in their Stead —

And that the Committee report to the next meeting of Assembly and their Services to be then considered.

The House agreed to the said Propositions—

The Gentlemen appointed to waite upon the Council to desire a Conference about a Greivance from *Stafford County* relating to Esq^r *Tom* an Indian are also appointed to waite upon his Excellency and Councell and acquaint them that the House having under their Consideration the Propositions from his Excellency and Councell of the methods for the revising the Laws have appointed Ten Members to joine with those five of the Council as a Com^{tee} for concerting the methods for the said Revival who are instructed with Proposals from this House in order thereto and that his Excellency and Council be desired to appoint a time and place for the said Meeting.

Mr *Miles Cary*, Mr *John Custis*, Mr *William Leigh* Mr *James Ranson*, Mr *William Colson* Mr *John Taylor*, Mr *Gawen Corbin*, Mr *Thomas Lloyd*, Mr *Robert Beverly* and Mr *Willis Wilson* are appointed of the Committee to joine with the Council about the method of revising the Lawes.

Colonel *Ludwell* from the Committee of Propositions and Greivances to whom it was referred to prepare an Address to returne his Excellency the Thanks of the House for his Great favours Showne to the House on *May* day last at his Majesties Royall Colledge of *William and Mary*. Reported that the said Committee had agreed upon the said Address. And also that the said Committee had come to a Resolution upon the proposition referred to them. That the Act of Assembly 1692 intituled *an Act for the more Speedy Prosecution of Slaves Committing Capital Crimes* may be amended both which Address and Report were read and afterwards delivered in at the Table where the same were read as followeth
May it Please Your Excell^{ty}

Wee his Maj^{ties} most Loyall and Obedient Subjects the Burgeesses of this present Gen^l Assembly being not only deeply Sensitive of our happiness in the gracious Choice of his most sacred Majesty in appointing yo^r Excellency to be his Leiv^t and Govern^r of this his antient and Great Colony and Dominion of *Virginia* whose great and Noble Actions and true and Exemplary Piety our former Experience (while yo^r Excellency was L^t Gov^r here before) hath taught us not to be Strangers to, but also to Esteem our Selves highly honoured and valued by that High and Great Mark of Your Excellencys favour in giving us an Invitation to Solemnize a publick day of Rejoicing (on *May* day last at his Majesties Royall Colledge of *William and Mary*) for the great goodness of Almighty God bestowed upon this Country in continuing a well Settled peace, next to whom we Esteem it owing to the Wisdome valour and Conduct of his most Gracious Majesty At which time We had not only the Satisfaction of being Spectators of his Maj^{ties} Royal Favours and Bountys to this Country bestowed Upon the said Colledge but also the felicity of being Judges and Eare Witneses of the great Improvem^t of our Youth in

Literature and Knowledge. And as Wee cannot but account it our vnspeakeable bleffing to have our Youth brought into So faire a way of being refcued from Barbarous Ignorance So we may alfo acknowledge our many and great Obligacons to Your Excellencye in being next to his Majefty the Cheif Promoter and Supporter of it For all which and for yo^r Excellencies Noble Invitation We think our Selves obliged both in Duty and Gratitude to returne our moft humble and hearty Thanks to your Excellency not at all doubting but that yo^r Excellency will be pleafed Stili to continue yo^r Great and Generous favours to the Colledge in perticular and to this his Maij^{ty} Colony and Dominion of *Virginia* in generall

The Houfe approve the faid Addrefs.

Vpon Confideration of the Report of the Committee vpon the propoficon of two Burgefles That the A^ct of Affembly 1692 Intituled *an A^ct for the more Speedy profecution of Slaves comitting Capital Crimes* may be amended the faid Law makeing the firft offence of Hogg ftealing to be Capitall. They are of Opinion that the faid Law is neceffary to be amended and that a Bill be prepared and drawne accordingly.—

The Houfe agreed to the Report of the faid Com^{tee} And

Resolved. That a Bill be prepared to amend the faid Law intituld *An A^ct for the more Speedy profecution of Slaves comitting Capital Crimes*

Ordered That it be referred to the Committee of Propoficons and Greivances to prepare and bring in the faid Bill

Ordered That the Addrefs to his Excellency be prefented by the Gentlemen appointed of the Committee to joyne with the Council about revifeing Laws and that M^r Milner and M^r Mafon be added to them to prefent the Said Addrefs —

Coll. *Ludwell* from the Com^{tee} of Propoficons & Greivances to whom was referred the prepareing and bringing in Severall Bills further reported that the faid Com^{tee} had prepared three Bills which he prefented at the Table —

A Bill for laying an Impofition vpon Servants and Slaves imported into this Country towards the Building a State houfe

A Bill to prevent the Difcontinuance of Courts and Procefs,

A Bill prohibiteing the Exportacon of Old Iron And then

The Houfe adjourned till to morrow nine a Clock.

Fryday May the 12th 1699.

MR *Cary* reported That according to Ord^r of this Houfe the perfons appointed to attend his Excellency and prefent the Addrefs of this Houfe had attended his Excellency and prefented the Addrefs accordingly.

M^r *Leigh* reported that the perfons appointed to wait vpon the Council to defire a Conference with Some of their Members and Some Members of this Houfe about a Greivance from *Stafford* County relateing to Efq^r *Tom* an Indian and that they would pleafe to appoint a time and place for the Same Did wait vpon the Council and acquainted them accordingly who were pleafed to fay they would confider it

M^r *Leigh* reports that the Gent^l appointed to waite vpon his Excellency and Councill to acquaint them that this Houfe had appointed Ten Members to joyne with thofe five of the Council as a Committee to concert the Methods for revifeing the Laws and that they would pleafe to appoint a time and place of meeting. had acquainted the Council accordingly.

The Petition of M^r *ffrancis Clements* for allowance for his Attendance as Clerk of the Gen^l Affembly the laft meeting, after Confideration and Debate of the Same the faid Petition comeing in after the time appointed for receiving Claimes, was

Ordered. To be rejected.

A Meflage from the Council by M^r *Harrifon*

M^r *Speaker*

In anfw^r to yo^r meflage Yefterday to the Council for a Conference concerning Efq^r *Tom* and the *Pifcattaway* Indians I am commanded by the Council to acqu^t the houfe
that

that they are agree to the said message for a Conference and that three of the Council now attend the Same in the Great Hall

A Message from his Excellency by Mr *Harrison*

Mr *Speaker*

In answer to the message from the house this day to his Excellency and Council That you had appointed Ten of yo^r Members to joine with those five of the Council as a Committee to concert the method for reviving the Laws. I am Comanded by his Excellency and Council to acquaint you that his Excellency has appointed five of the Council to meet on *Tuesday* next in the room over the Great Hall which he has appointed for the Committee to Sit in

Mr *Cutts*, Mr *Leigh*, Mr *Mason*, Mr *Taylor*, Mr *James Cock* Mr *Macon*.

Appointed to manage the Conference concerning Esq^r *Tom* an Indian and the *Piscataway* Indians upon the Greivance from *Stafford* County.

A Bill prohibiteing the Exporta^on of old Iron read the first time. And

Ordered That the said Bill be read a Second time

A Bill for laying an Imposition vpon Servants and Slaves imported into this Country towards the Building a State house, read the first time And

Ordered. That the said Bill be read a Second time —

A Bill to prevent the Discontinuance of Courts and Procefs. Read the first time And

Ordered. That the said Bill be read a Second time — And then

The House adjourned till twelve a Clock on *Monday* next

Monday May the fifteenth 1699.

THE House called over and the absence of those that did not appear was Excused— Mr *Cutts* reported that those Members that were appoint^d to manage the Conference with the Council had waited on them in the great hall and acquainted them of the severall matters relating to Esq^r *Tom* an Indian and the *Piscataway* Indians upon Considera^on of a Greivance from *Stafford* County and that the Council were pleased to say They would consider of it and returne an Answer.

Co^{ll} *Ludwell* from the Committee of Proposi^ons and Greivances to whom was referred to prepare and bring in Severall Bills—

Reported that the said Committee had according to order p^rpared Six Bills which he delivered in at the Table and were read as followeth.

A Bill for the more Effectuall Suppressing of Blasphemy and Prophanes read the first time and

Ordered To be read a Second time

A Bill prohibiting the Unseasonable killing of Deer read the first time And

Ordered To be read a Second time

A Bill for p^rven^on of undue Elec^ons of Burges^ses read the first time And

Ordered To be read a Second time

A Bill Limiting of Appeals to the Gen^l Court Read the first time and

Ordered To be read a Second

A Bill for Erecting and Building Pounds read the first time and

Ordered To be read a Second time

A Bill Prohibiteing the Exporta^on of Corne, Wheat, Meal or Bisquet till the 25th day of *December* 1700 Read the first time And

Ordered. To be read a Second time

The Returne vpon the Writt for Election of a Burges^s in *Nansemond* County was read in the house And therevpon

Resolved. That Cap^t *Thomas Codwin* is duely Elected and returned Burges^s to Serve in this Assembly for *Nansemd* County

The

The Certificate of *Richard Lee & William Bird Esq^{rs}* That they had Administred the Oaths appointed by Act of Parliament to be taken instead of the Oathes of Supremacy and Allegiance the Test and Affotiation appointed by Act of Parliament and the Oath of a Burgeſs of this Generall Aſſembly vnto *Thomas Godwin Gent.* was read in the house and the ſaid M^r *Godwin* took his place accordingly.

The Petition of M^r *John Grice* Sheriff of *James City* County praying Allowance for his Attendance at the Gen^l Courts was read and referred to the Committee of publick Claimes And then

The Houſe adjourned till Ten a Clock to Morrow.

Tuesday May the 16. 1699.

M^R *Cary* reported That the Members appointed by the house to joyne with thoſe of the Council appointed A Committee to conſider of the methods about the Revifeing the Lawes and Propoſitions thereto relateing had agreed vpon Some reſolutions, but not having time this day to come to a Concluſion had agreed to meet again to morrow twelve a Clock

Co^{ll} *Ludwell* from the Committee of Propoſitions and Greivances to whom was referred to prepare and bring in Severall Bills Reported That the Said Committee had accordingly prepared four Bills which he delivered in at the Table and were read as followeth

A Bill for the Reftraineing and Punifhing of Pyrates and Privateers. Read the firſt time And

Ordered To be read a Second time

A Bill for the Punifhment of Slaves for the firſt and Second Offence of Hogg ſtealing, Read the firſt time And

Ordered To be read a Second time

A Bill for the regulateing of Juries. Read the firſt time And

Ordered To be read a Second time

A Bill reftraineing the Strikeing and killing of Whales. Read the firſt time And.

Ordered To be read a Second time

Alſoe a Bill for the more Effectuall Suppreſſing of Blaſphemy and Profaneneſs &c was Read a Second time And

Ordered To be Comitted for Amendments in that Paragraph relateing to Swearing and Drunkenneſs And

A Bill for prevention of Vndue Elections of Burgeſſ^s was read A Second time And

Ordered. To be Comitted that a Claufe be added to prevent Expences and Treats before Elections And then

The houſe adjourned till to morrow Ten a Clock.

Wednesday May the 17th 1699.

M^R *Cary* from the Committee appointed to concert the method for revifeing the Lawes reported they had made ſome progreſs therein and that the Council had agreed to the Severall Propoſitions. Except that relateing to the Adjournements and limited times of fitting, to which they diſagreed and propoſed to Sit the firſt *Wednesday* in every month Succeſſively untill the Revifall be accompliſhed, but if it ſhall happen not to be accompliſhed in *November* next or before that then the next Adjournement be to the firſt *Wednesday* in *Aprill* and that the time of their Sitting be not reftrained to certaine daies but a Liberty as Occaſion

The Houſe to the Adjournements and fitting the firſt *Wednesday* in every month Succeſſively &c agreed And vpon Conſideration and Debate of the certaine Number of daies propoſed by the houſe for their fitting

Ordered

Ordered. That it be an Inſtruccon to the Members of this Houſe appointed of the ſaid Committee to acquaint the Council that the Houſe agreed that the certaine days of Sitting in every Month *Sundays* Excepted be ſeven daies including the day of meeting And that afterwards the ſaid Committee be at Liberty to Sit or adjourne as occaſion

Mr *James Blaire* Prefident Mr *Mongo Ingles* humanity Profeſſor and Mr *John Hodges* Uſher and four of the Scholars of the Royall Colledge of *William and Mary* in the name of themſelves and the reſt of the Scholars preſented an Addreſs to the Houſe which was read as followeth

To the Hon^{ble} Speaker and Gent of the Houſe of Burgeſſes

Wee the Prefident Maſters and Scholars of the Royall Colledge of *William and Mary* in *Virginia* being Deeply Senceible of the Great hon^r lately conferred on this Colledge by the hon^{ble} houſe of Burgeſſes firſt in Graceing Our Scholaſtick Exercifes with yo^r owne Countenance and preſence on *May* day laſt And then in giving So favourable a Judgment and Charecter of the proficiency of our Youth in their Studies and in recommending the ſaid Colledge to our good Govern^rs Care and favour in your moſt hearty Addreſs made to his Excellencye for that purpoſe. Deſire leave in all humility to offer our moſt thankfull acknowledgm^{ts} for the ſame and withall to aſſure this hon^{ble} Houſe that nothing can Soe Effectually encourage us to go on in the cheerfull profecution of our Studies as the favourable Countenance of ſo great Patrons as we hope to find both in his Excellency and the Preſent Generall Affembly for which good Underſtanding among your Selves and joint Endeavours to carry on this and all other good Workes. We doubt not ye will have the Bleſſings and Prayers of all good men to joyne with thoſe of

Y^r moſt Obleig^d hum^{ble} Serv^{ts}

In Name and at the Deſire of the reſt
of our Condiſciples

James Blaire Prefident
Mongo Ingles Humanity Profeſſ^r
John Hodges Uſher

John Allen
Henry Harrifon
Orlando Jones
John Jones } Scholars

Mr *Cuſtis* and Mr *Wilſon* are deſired to waite vpon Mr Prefid^t *Blaire* and the Maſters and Scholars and acquaint them that the Houſe received the ſ^d Addreſs very kindly and.

Being returned Mr *Cuſtis* reported they had accordingly waited on Mr *Prefident* and Maſters and Scholars and that Mr *Prefident* was pleaſed to ſay, they ſhould make it their Endeavours alwaies to merit the good Opinion of this Houſe.

Mr *Cary* from the Committee appointed to conſert the Method for revifeing the Laws reported that they had acquainted the Council with the Directions of this Houſe relateing to the aſcertaineing a time for their Sitting vpon Revifeing the ſaid Lawes And

That the Council had offered Severall reaſons againſt it, and could not agree to a certaine limited time Wherevpon.

The Houſe agreed that the Committee be at Liberty to Sit So many daies as they may find neceſſary. they meeting the firſt *Wednesday* in every Month as before agreed And

Ordered That the Members of this Houſe of that Committee do acquaint the Councell accordingly

Mr *Cary* from the Committee of Claimes to whom was referred to prepare and bring in a Bill for aſſertaining the rate and value money ſhould paſs at reported that they had accordingly p^rpared the ſaid Bill which he delivered in at the table

A Bill for aſſertaining the rate and value money ſhall paſs at Read the firſt time and ordered a Second Reading.

Co^{ll} *Ludwell* reported from the Committee of propoſitions and Greivances to whom the Bill for the more effectually Suppreſſing of Blaſphemy & Prophaneneſs &c And a Bill for prevention of undue Elections of Burgeſſes was Committed, that they had made ſome Amendments in the Bill for Suppreſſion of Blaſphemie &c And added a Claufe to
the

the Bill for prevention of undue Elections which were read and afterwards delivered in at the Table where the Same were read and agreed vnto by the House—

Ordered That the Bill for the more effectuall Suppreffing of Blafphemy and Prophanenefs wth the Amendments be Ingroft

Ordered. That the Bill for prevention of Undue Election of Burgeffes be Ingroffed And the Additionall Clause added in the Bill

Co^{ll} *Ludwell* reported from the Com^{tee} of Propofitions and Greivances to whom was referred to confider the Inſtructions of their Excellencies the Lords Juſtices of *England* to his Excellencie the Govern^r that the ſaid Committee had come to ſeverall reſolutions therein & had directed him to report the ſame to the houſe which were read and delivered in at the Table and

Ordered. That the further conſideraçon thereof be referred till to morrow

The Petition of *William Brodribb* and *Edward Travis* Church-wardens of *James City* Pariſh referred by his Excellency and Council to this houſe praying allowance from the Publick to help towards defraying the Charge of building a Steeple &c repairing the Walls and pews of the ſaid Church was read and after Debate of the ſame

Ordered. The ſaid Petition be rejected.

The Propoſition of Coll. *Cadw^{ll} Jones* and Sever^l other papers relating to the Indian Trade

Ordered To be referred to the Committee of propoſitions & Greivances to report their Opinions therein And then

The Houſe adjourned till to morrow ten a Clock

Thursday May 18th 1699.

THE Certificate of *Richard Lee* and *Edward Hill* Eſq^{rs} (two of the hon^{ble} Council) that they had by virtue of his Excellencies Comiſſion to them for that purpoſe adminiſtered the Oathes appointed by Act of Parliam^t to be taken inſtead of the Oathes of Supremacy and Allegiance the Teſt and Affotiation appointed by Act of Parliament and and the Oath of a Burgeſs of this Generall Affembly vnto *Rice Hooe* Gent. was read in the houſe and the ſaid *Rice Hooe* took his place accordingly

The Returne upon the writt for Election of a Burgeſs in *Stafford* County was read in the houſe and therevpon

Reſolved. That *Rice. Hooe* Gent is duly Elected and returned Burgeſs to Serve in this Affembly for the ſaid County

A Meſſage from his Excellency in writeing by M^r *Harrifon* was read at the Table as followeth

M^r Speaker and Gent. of the Houſe of Burgeſſes.

From ſome of the worthy Members of Yo^r Houſe I received your moſt kind and obligeing Addreſs to me for which I returne you my moſt hearty thanks. And my Prayers and Hopes are that God Almighty will be gratiouſly pleaſed to enable me (with the advice and Aſſiſtance of this Affembly) So to diſcharge my Duty to him and his moſt Sacred Maſteſty in all reſpects that it may be for his Glory, his Maſteſties Service, the good and benefit of this his Maſteſties moſt Antient and great Colony and Dominion of *Virginia* in Gen^{ll} and in p^ticular for his Mai^{ty} Royall Colledge of *William and Mary* as alſo for the true Friends thereof, amongſt whom you have hitherto Given me juſt Cauſe to Eſteem yo^r Selves

Sirs

It is very much to my content that you had not only the Satisfaction of being Spectators of his Maſteſties Royall Favours and Bounty to this Country beſtow^d vpon the Colledge but alſo that you had the felicity of being Judges and Ear Witneſſes of the great Improvement of your Youth in Literature and Knowledge &c

Yo^r mençoning me next vnto his moſt ſacred Maſteſty for being a Promoter and Supporter of his Royall Colledge is too great an honour for me for what I have as yet done

done about it was out of a principle of Duty which I owe to God and his Majesty and the Love and Affection I have for this Country.

Gentlemen

You having desired me to continue my favour in Generall to this his Majesties Colony and Dominion of *Virginia* but particularly to the Colledge is another very great Obligation vpon me for my vseing all Lawfull wayes and meanes for the promoteing and Supporting the good of them, and therefore I do now cordially recomend to you the placeing Yo^r Publick Building (w^{ch} God willing you are designed to have) somewhere at Middle Plantation nigh his Majesties Royall Colledg of *William and Mary* which I think will tend to Gods Glory, his Majesties Service, and the welfare and Prosperity of yo^r Country in Generall and of the Colledge in particular and will be a greater kindnes then if you had given two thousand pounds for the Use of it.

I thought that the President, Masters, and Scholars of the Royall Colledge of *William and Mary* in *Virginia* were in gratitude obliged to wait vpon you wth their Thankfull Acknowledgment for the great honour you have done them and it is an Extraordinary Satisfac^{on} to me that you read their Addrefs and received it mighty kindly and I hope in God that not only the present Members may deserve your protection and patronage but that those that shall Succeed them may by their daily improvement in Piety & Learning recomend themselves to all future Assemblies as long as the place of their Education shall be called by the most ampicious [auspicious?] name of the Royall Colledge of *William and Mary*

Also Mr *Harrison* delivered in at the Table the third Speech of the Scholars Spoken at the Royall Colledge of *William and Mary* on May day last w^{ch} was read in the house.

Mr *Cary* from the Joint Committee of the Council & Burgeffes appointed to consider of the most proper Methods for reviseing the Lawes reported that the said Com^{tee} had considered the same and come to A Resolution therein and had directed him to make report thereof which he read in his place and afterwards delivered in at the Table where the same were read as followeth

Resolved That it is the Opinion of this Committee that the most proper method to effect the Revifall of the Laws will be by a Joint Committee of the Council and Burgeffes appointed for that purpose to be guided and directed by the severall rules and Instructions following to wit.

That the said Committee shall consist of three Members of the Councell and Six of the house of Burgeffes who shall be appointed to attend that Service and that they shall not be capable to proceed or resolve vpon any thing with a Less Number than two of the Counc^l and four of the house of Burgeffes

That to prevent any deficiency or delay, which might otherwise happen in the proceedings of the said Committee in Case any Member or Members thereof shall be by any meanes Disabled to give his or their Attendce Such Defect or Disability shall be Supplied in manner following to wit. If any Member of the Councell shall be So disabled another Member of the Council shall be appointed in his Stead by his Excellency the Govern^r or by the Governour or Commander in Cheife of this his Majesties Colony and Dominion for the time being and if any Member of the house of Burgeffes appointed to be of the said Committee shall be so disabled another of the Burgeffes shall be appointed in his Stead by the Speaker of the house of Burgeffes and in case of the Death or other Disability by the Major part of the Burgeffes of the said Committee that shall attend at the next meeting after every such Disability respectively.

That the full number of the said Committee may be kept vp If it shall happen that any Member or Members thereof shall dye or depart the Country Such defect shall be Supplied by the Governour Speaker or the Committee respectively in manner as before Expressed.

That to prevent Delay or Confusion in the Proceedings of the said Committee Noe person whatsoever Either Councillor or Burgefs shall be admitted to give any Vote at their meetings other then those persons only who are or from time to time hereafter shall be appointed to attend as Members of the said Committee

That

That the said Committee shall have power by Warrant under the hands of any one of the Council and two of the Burgesses of the Committee to Send for any persons papers or Copies of Records and that All Officers and other persons be obliged to give due Obedience to any Such Warrant.

That all persons haveing any Manuscripts papers, or Old Records relateing to the first Settlement of this Government shall be required to lay the same before the Committee if they desire it, which Desire shall be Signified by Warrant as aforesaid —

That the said Committee shall have power to receive all Propositions of what nature soever from any Persons that will offer them

That the said Committee shall meet at *James City* (or any other place where the publick Records shall be) upon the first *Wednesday* in *July* next and thereafter Monthly to Sit *De die in Diem* as long as they shall think necessary at any of their meetings And that all Adjournments other then to the next day not being *Sunday* shall be made to the first *Wednesday* of every Succeeding Month, And if the Revifall of the whole body of the Laws be not compleated by the end of their Meeting in *November* next then they shall have power to adjourne themselves till the first *Wednesday* in *April* following And thereafter to proceed from Month to Month in manner as is before Expressed.

That Mr *Peter Beverly* be clerk of the Committee And that Mr *Harrison* and Mr *fowler* be Assistants to the said Committee as occasion, and in case of the death or other Disability of the said Clerk or Assistants the said Committee have power to choose and appoint others in their Stead

That the whole matter when tis finished be reported to the next meeting of the Assembly and that the Services be then considered.—

And the better to Enable the Committee to Compleat and finish the said Revifall that an Act of Assembly be passed this present Session Impowering them to performe the same p'sueant to the Severall Rules and Instructions aforesaid.

The House agreed to this report And.

Ordered. That the Committee of Propositions and Greivances do p'pare and bring in the Bill accordingly.

The House (according to the Order of the day) Resolved itself into a Committee of the whole House to take into further Consideration and Debate the matters referred to this Day relateing to the Building a State House, and Mr *Cary* took the Chaire and after some time spent therein Mr *Speaker* resumed the Chaire and Mr *Cary* reported from the said Committee That they had come to a Resolucon therein which he read in his place and afterwards delivered in at the Table where the same were read as followeth

This Committee having maturely considered and fully debated the matters to them referred relateing to the place for Erecting and building a State house after the nomination of Several places

Resolved. That the said State house be built at the Middle Plantacon and

Ordered That Mr *Custis*, Mr *Bassett*, Mr *Robinson* & Mr *Talliaferro* do forthwith wait vpon the Council and acquaint them that the House have had in Debate and under their Consideration the place for building a State house, and have resolved that the said State house be built at the Middle Plantation to which the House desires their Hon^{rs} Concurrence

A Letter from Mr *Thomas Milner* to his Brother *francis Milner*, and a Letter from Mr *Daniell Sullivant* to Cap^t *Miles Cary*, with an Order of his Excellency in Council bearing date this day referring the said Letters to the House which relate to the Election of Mr *Thomas Godwin* returned a Burgess for *Nansemond* County (and Liberties and priviledges of the House) was read and vpon due Consideration of the said Letters the house are verry sorry to heare Such unbecomeing and irreverent Expressions of his Excellency, but as to what relates to the Liberties and Priviledges of the House, no person appeareing to Complain The House are of Opinion that the same lyes not regularly before this House.

Mr *Custis* reported that (according to the Order of the House) the Members of the House

Houfe (appointed) waited vpon the Honorable Council and delivered the Meffage to them in writing relateing to the place for building a State Houfe

The Report of the Committee of Propofitions and Greivances upon the Inſtructions of their Excell^{cy}s the Lords Juſtices of *England* to his Excellency the Govern^r referred to his day. And

Ordered. To be referred till to morrow for confideration thereof.

And Ingroffed Bill for the more Effectuall Suppreſſing of Blaſphemy, Swearing, Curſeing, Drunkenneſs and Sabbath Breaking was read the third time, and after Some Amendments were agreed to be made therein and accordingly incerted

Reſolved That the ſaid Bill do paſs

An Ingroffed Bill for preventing of Undue Elections of Burgeſſes was read the third time and after Some Amendments were agreed to be made therein and accordingly inferted

Reſolved That the ſaid Bill do paſſe

Ordered That M^r Taylor, M^r Lloyd, M^r Ranſon, M^r Raſcow M^r Macon and M^r Bolling carry the ſaid Bills to the Council and deſire their hono^{rs} Concurrence thereto And then The Houfe adjourned till to morrow ten a Clock

Fryday May the 19th 1699.

CO^{ll} Ludwell from the Committee of Propofitions and Greivances to whom was referred to prepare and bring in a Bill declareing Negro Mulatto or Indian Women whether Bond or free Tythables reported that they had accordingly prepared the ſaid Bill which he delivered in at the Table

A Bill declareing Negro, Mulatto or Indian Woemen whither Bond or free Tythable was read the firſt time and after a Debate the queſtion being put that the ſaid Bill have a Second reading

Paſſed in the Affirmative And

Ordered. That the ſaid Bill be read a Second time

Co^{ll} Ludwell from the Committee of Propofitions & Greivances to whom was referred the Conſideraçon of a Propoſition of Co^{ll} Cadwalladen Jones and ſeverl other papers relateing to the Indian Trade, that the ſaid Committee had come to a Reſolution therein & had directed him to report the Same to the houſe which were read and afterwards delivered in at the Table where the ſame were read as followeth

That the Committee having read and perved a Letter to his Excellency from his Excellency the Lord Bellomot Governor of *New York* &c and a propoſition from Co^{ll} Cadwallader Jones and ſeverall other papers wherein are offered many Reaſons to prove that the Engageing of a Trade with the Weſtern Indians that lye behind *Virg^a* and *Carolina* would conduce very much to the Service and Interelt of his moſt Sacred Maſteſtie and to the Good and benefit of this Country by Gaineing the Trade thereof from the *ffrench* which may probably be the Eaſier Effected by our Contiguity to them whereby we are Enabled to trade with them on Eaſier Termes then the *ffrench* who live much more remote which being duely conſidered and maturely Debated by them they are of Opinion that it would conduce very much to the Service and Interelt of his moſt Sacred Maſteſtye and the benefit of this Country that a Trade with the Nations of the Weſterne Indians that lye behind *Virginia* and *Carolina* were Setled, and that they conceive it neceſſary that a Suitable Encouragement were given by a Law to a certain number of Adventurers as ſhall be thought fitt by giveing them the ſole Trade thereof for a certain number of yeares as ſhall be thought fitt Under Such Rules and Orders as ſhall be agreed by the ſaid Adventurers purſueant to the ſaid Law.

The Houfe agreed to this Report of the Committee And

Ordered. It be referred to the Committee of Propoſitions and Greivances to p^rpare and bring in the ſaid Bill

A Bill affertaining the rate and value money shall pass at. Read a Second time and after a Debate the question being put. That the Bill be ingrossed

Passed in the affirmative And.

Ordered That the said Bill be ingrossed

A Bill Limiting Appeals to the Gen^l Court read a Second time and after a Debate and Amendments made at the Table making the Summe of ten pounds or two Thousand pounds of Tobacco fifty Shillings or five hundred pounds of Tobacco being twice read.

Ordered That the said Bill with the Amendm^{ts} be recommended to the consideration of the Committee for Revivall of the Laws

A Message in writing from the Council by M^r *Harrison* read as followeth
Fryday May the 19th 1699.

By the Councill

The Council haveing taken into their Consideration the last written Message from the Burgeffes acquainting their Hon^{rs} that the House vpon Debate had resolved that the State House be built at the Middle Plantation to which they desire their Hon^{rs} Concurrence

Resolved Nemine Contradicente that the Councell do Concurr with the said Resolution of the Burgeffes and Accordingly

Ordered That the Clerk of the Gen^l Assembly do go to the House of Burgeffes and acquaint them therewith

A Bill prohibiteing the unseasonable killing of Deer. read a Second time and after a Debate and Amendments made at the Table being twice read. The question being put, That the Bill be ingrossed with the Amendments

Passed in the affirmative And

Ordered the said Bill be Ingrossed with the Amendments

A Bill for laying an Imposicon vpon Servants and Slaves imported into this Country towards the building a State house Read a Second time and after Debate of Severall matters in the said Bill, these questions were put

That abatement be made for Encouragement of *Virginia* Owners of Ships properly built in *Virginia*

Resolved in the Negative

That the Salary be ascertained under 10 p^{a} C^t.

Resolved that the Collect^{rs} Salary be five p^{a} C^t That the Treasurers Sallary be two and a half p^{a} C^t and

Ordered That the Bill be committed that the Amendments aforesaid be made and that instead of the Auditor of his Majesties Revenue the Treasurer be incerted—and

Resolved. That M^r *Robert Carter* be appointed Treasurer and that it be referred to the Committee of Proposicons and Greivances to prepare and bring in a Bill accordingly

A Bill to prevent the Discontinuance of Courts & process read a Second time and after a Debate the question being put that the Bill be Ingrossed.

Resolved in the Affirmative And

Ordered. That the said Bill be ingrossed.

A Message from his Excellency by M^r *Harrison*
M^r *Speaker*

His Excellency in Council had Commanded me to lay before this House Severall of the proceedings of his Excellencie in Council which he delivered in at the Table And being read

Ordered That the Consideration thereof be referred till to morrow

M^r *Harrison* acquainted the House that his Excellency desired the Letters delivered in at the Table Yesterday relateing to the Election of M^r *Thomas Godwin* in *Nansemond* County and the said Letters were accordingly delivered M^r *Harrison*

A Bill for the Punishment of Slaves for the first and Second Offence of Hogg Stealing read the Second time and after Debate the question being put. That the Bill be ingrossed

Passed in the Affirmative and

Ordered. That the Said Bill be ingrossed accordingly

A Bill prohibiteing the Exportaçon of Old Iron Read a Second time and after a Debate the question being put that the Bill be ingrossed

Passed in the Negative And

Ordered. That the said Bill be Dashed

A Bill prohibiteing the Exportation of Corne, Wheat, Meal, or Bisquet untill the 25th of Decembr 1700 Read a Second time and after a Debate and Some Amendments in the preamble made at the Table and read twice. The question being put, That the Bill be ingrossed with the Amendments.

Passed in the Affirmative And

Ordered That the said Bill be ingrossed with the Amendm^{ts} accordingly

A Bill for Erecting and building of Pounds read a Second time and after a Debate the question being put That the Bill be Ingrossed

Passed in the Negative and

Ordered that the said Bill be Dashed —

A Bill restraining, Striking and killing of Whales read a Second time and after a Debate the question being put That the Bill be ingrossed

Passed in the Affirmative And

Ordered the said Bill be ingrossed.

A Bill for regulateing of Juries read a Second time and after Debate the question being put That the Bill be ingrossed

Passed in the affirmative and

Ordered That the said Bill be ingrossed

A Bill for the restraining and punishing of Pyrates and Privateers. read a Second time And after a Debate the question being put That the Bill be Ingrossed

Passed in the affirmative and

Ordered That the said Bill be ingrossed And then

The House adjourned till nine a Clock to morrow.

Saturday May the 20th 1699.

ORDERED The Consideraçon of the Several proceedings of his Excellencie in Council laid before this house be referred till *Monday*.

Resolved. That this house forthwith resolve it Self into a Com^{tee} of the whole house to take into Consideration the report of the Committee of Proposiçons and Greivances upon the Instruções of their Excellen^{cs} the Lords Justices of England, and M^r Cary took the Chaire and after some time spent therein M^r Speaker resumed the Chaire and M^r Cary from the said Committee reported that they had under their Consideration the Said report and the Instruções themselves relateing thereto, and were come to full Resoluçons therein which they had directed him to report when the house pleased to receive the Same

Ordered. That the report be made on *Munday* next

M^r Macon moveing for leave to go to his owne House upon Extraordinary Occasion, leave was accordingly given him and

Ordered That he give his Attendance againe vpon the Service of the House on *Monday* next afternoon

M^r Hollyday moveing for leave to go to his owne House upon Extraordinary Occasion, leave was accordingly given him and

Ordered That he give his Attendance againe upon the Service of the House upon *Monday* next afternoon

M^r Gough moveing for Leave to go to his owne house upon Extraordinary Occasion, leave was accordingly given him and

Ordered That he give his Attendance againe vpon the Service of the House on *Monday* afternoone. And then

The House adjourned till *Monday* Ten a Clock.

Monday

Monday. May the 22th 1699

COLL *Ludwell* reported from the Committee of of Propositions and Greivances to whom the Bill for laying an Imposition vpon Servants and Slaves imported into this Country towards the building a State house was Committed and to whom was referred to prepare and bring in a Bill appointing a Committee for Revifall of the whole Body of the Laws of this Country, that they had made Severall Amendments to the said Bill laying an Imposition vpon Servants and Slaves &c and had prepared a Bill appointing a Committee for the Revifall &c which they had directed him to report which Amendments were read and afterwards (with the Bill prepared (according to Order) delivered in at the Table where the Amendments were read and with some Amendments agreed unto by the House

Ordered. That the Bill with the Amendments be ingrossed

An Ingrossed Bill for ascertaining the rate and value money shall pass at was read the third time

Resolved The Bill do passe

An Ingrossed Bill prohibiteing the unseasonable killing of Deer was read the third time

Resolved That the Bill do passe.

An Ingrossed Bill to prevent the Discontinuance of Courts and Proceffe, was read the third time, and Some Amendments agreed to be made in the House and three times read

Resolved the Bill do pass

An Ingrossed Bill for the Punishment of Slaves for the first and Second Offence of Hogg stealing was read the third time, and Some Amendments agreed to be made in the house

Resolved the Bill do pass

An Ingrossed Bill prohibiteing the Exportation of Corne, Wheat. Meal or Biscake untill the 25th of Decemb^r 1700 was read the third time and the Question put. That the Bill do pass

Passed in the Affirmative and.

Resolved the Bill do pass.

Ordered That the Consideraçon of the Severall proceedings of his Excellency in Council laid before this house be referred till to morrow

An Ingrossed Bill restraining the Strikeing and killing of Whales was read the third time

Resolved That the Bill do passe

An Ingrossed Bill for the regulateing of Juries was read the third time

Resolved That the Bill do pass

An Ingrossed Bill for the restraining and Punishing Pyrates and Privateers was read the third time

Resolved That the Bill do Passe.

A Bill declareing Negro Mulatto and Indian woemen whether bond or free Tythable, read a Second time And the question being put that the Bill be ingrossed

It passed in the Negative and

Ordered That the Bill be Dashed

Mr Cary from the Committee of Publick Claimes reported that the said Committee had taken into consideration the severall Matters of Claime to them referred and had agreed vpon Diverse Resolutions therein w^{ch} as vsuall they had entered into One Book called a Book of y^e Reports of the Committee for Publick Claimes and had directed him to report the said Book to the House

And therevpon the said Book of reports being p^resented

Ordered That the same do lye vpon the Table

Ordered That *Mr Wilfon*, *Mr James Cock*, *Mr Bolling* *Mr Kenner* *Mr Littleton* and *Mr*

Mr *Milner* do carrye the Eight Ingrossed Bills (this day passed the House) to the Council and desire their Concurrence therevnto

Mr *Cary* from the Committee of the whole house to whom was referred the Consideration of the report of the Committee of Propositions and Grievances upon the Instructions of their Excellencies the Lords Justices of *England* reported that the Said Committee had taken the same into Consideration and agreed vpon Severall Resolutions w^{ch} he read in his place and afterwards delivered in at the Table where the same were read and agreed unto by the house as followeth.

This Committee takeing into consideration the first parag: of the Instructions from their Excellencies the Lords Justices of *England* relateing to the transmitting Authentick Copies of the Laws of this Country to *England* &c vpon which they are of Opinion that the said Instructions doth in all its parts relate to his Excellencye and doth not require an Answer from the house

The Second Parag: of the Instructions from their Excellencies the Lords Justices of *England* relateing to the revifall of the Laws of this Country being considered by this Com^{tee} they are of Opinion that the same lyeing under the Consideration of the House by the speciall Directions of his Excellency will be fully answered by the Resolves of the House therein

The third Paragraph of the Instructions from their Excell^{ys} the Lords Justices of *England* proposing a more Equall way may be settled by Law for defraying the publick Charges of this Country then by a Levy vpon the Poll and Tithables being considered by this Committee they are of Opinion that the best and most equall method of defraying the publick Charges of this Country is by a Levy vpon the poll the cheif of most mens personall Estates in this Country consisting of Servants and Slaves which pay Levyes and that no Complaint of the method by a Levy upon the poll hath ever bin yet made by the Inhabitants of this Country to the knowledge of this House of Burgeffes And when vpon Extraordinary occasions it hath bin found necessary to Ease the Levy on the pole it hath still been done by an Imposition upon Liquors —

That the Report of the Committee upon the fourth parag of the ff^d Instructions relateing to an Imposition upon Liquors left to the Consideration of the House and by the House referred to this Committee being considered this Committee reporteth that an Imposition upon Liquors be Laid as followeth.

Upon Rum Spiritts and Wine not Imported from *England* four pence per Gallon—

Upon Beer not Imported from *England* One penny ¾ Gall

That the Salaries be allowed to the Collect^r Six ¾ C^t and to the Treasure^r four ¾ Cent and

That there be a Bill accordingly prepared by the Com^{tee} of Propositions and Grievances and to be in force from the publication of the Law

The fifth Parag. of the Instructions from their Excellencies the Lords Justices of *England* wherein it is proposed that a Law be passed empowering the Governour and Council for the time being to raise as there shall be occasion a Generall Levy or Tax for the better Support of the Government &c being duly weighed and considered by this Com^{tee} they are of Opinion that the holding of Assemblies for the laying of the Levy to defray the Charges of this Country is not at all burthenfome or grievous to the Inhabitants thereof, and that any other Method of laying the Same would be very vnfitable uneasie and inconvenient to this Country.

That to the Sixth Parag: of the Instruction from their Excell^{ys} the Lords Justices of *England* wherein it is proposed that his Majesties Revenue may not be anticipated &c being considered by this Committee they do report that the Acco^{ts} of y^e Revenue have never yet been laid before the House of Burgeffes since the laws relateing thereto have been made nor has it been told to this house that ever the Revenue was in Arrears till the last Assembly in the late Govern^{rs} time but on the contrary We have heard that the Laws appropriated for the Revenue did still more then answer the Publick Occasions and how there came an Anticipation then, is not within the Province of this house to answer—

The Seventh Parag: of the Instructions from their Excellencies the Lords Justices of *England* wherein It is proposed that all Laws whatsoever for the good Government and Support of this Country may be made indefinite and without Limitation of time Except the same be for a Temporary End being considered by this Committee they are of Opinion that it always hath been the Usage and Practice of the Assembly. So to doe. Except for a Temporary End and that they think it necessary and convenient still to continue to do the same

The Eighth Parag: of the Instructions from their Excellencies the Lords Justices of *England* proposing that the Govern^r or Command^r in Chief of this Dominion for the time being may be empowered to appoint the time of holding Generall Courts by a Clause added to the Act made in the Year 1684 Entitul^d *An Act for altering the time of holding Generall Courts* being considered by this Com^{tee} they are of Opinion that the Laws already made do Sufficiently provide for the for the time of holding the Generall Courts Suitable and Convenient to the present Circumstances of this Country and that it would be most greivous and detrimentall to the Inhabitants of the same if our Principle Courts of Law where our Rights for the most part have their finall Tryalls should not be held at certain times appointed by Law as they are in *England* and other his Majesties Dominions.

The Ninth Parā: of the Instructions from their Excellencies the Lords Justices of *England* proposing a Survey to be made of all this Colony and Dominion and of Each County in it And that an Exact Mapp may be drawne &c being considered by the Committee they are of Opinion that the said Instruction doth relate to his Excellency and doth not require and Answer from the House

The Tenth Parāg: of the Instructions from their Excellen^{cys} the Lords Justices of *England* concerning the Indian Trade Wherein it is Signified that out of his Maij^{ty} great Care for the Welfare of this Colony his Majesty hath preferred the perticular benefit of his Maij^{ty} Subjects here before any other perticular advantage that might accrue vnto him by restraining that Trade &c Being considered by this Com^{tee} they do conceive the House ought to have a due Sence and gratefull Acknowledgment of his Majesties Great favours therein

The Thirteenth Paragraph of the Instructions from their Excellencies the Lords Justices of *England* wherein It is proposed that a Law may be passed for the restraining of Inhumane Severities to Christian Servants and Slaves &c being duly weighed and considered by this Committee they are of Opinion and do accordingly report. that the Laws already made have a tender Care and do Sufficiently provide in Such Cases—

The fourteenth Parag: of the Instructions from their Excellencies the Lords Justices of *England* relating to the facilitateing and encourageing the Conversion of Negroes and Indians to the Christian Religion being considered by this Committee they are of Opinion and do accordingly report that Negroes borne in this Country are generally baptized and brought vp in the Christian Religion but for Negroes Imported hither the Gros Barbarity and rudeness of their manners, the variety and Strangeness of their Languages and the weakness and Shallowness of their minds renders it in a manner impossible to attain to any Progreß in their Conversion And as to the Conversion of the Indians this Com^{tee} doth not doubt of the Care of the Colledge therein being encouraged and obliged thereto by the Donation of a pious and Noble Benefactor

This Committee taking into Consideration the fifteenth Parag: of the Instructions from their Excellencies the Lords Justices of *England* recommending the raising of Stocks and building Publick Work houses in convenient places for the Imployment of poor and Indigent Persons. Upon which It is their Opinion that this Country is not in a Capacity to raise money for Such a Use and that the poor are effectually provided for by Law an Easier way.

The Sixteenth paragraph of the Instructions from their Excellencies the Lords Justices of *England* concerning the building a house for the Govern^{rs} of this Country for the time being &c being duly weighed and considered this Committee are of Opinion that in regard there are many Publick Debts and other Charges and p^ticularly that of
building

building a Statehouse w^{ch} now lyes on the Country, the Country is not in a capacity to undertake So great a work at this time

That if the Seventeenth Parag: of the said Instructions relateing to the Lifting and Armeing Chrifian Servants were put in practice it would be very burthenfome uncafe and ruinous to the Inhabitants of this Country and would be attended with many Evill and pernicious Confequences ^{1st} It would greatly affect the poorer fort whole Servants are for the moft part Chrifian and to have their Servants be at the Summons of an Officer as often as he fhall think fitt would render the Profitts of Such Servants which are our maine dependance in point of Livelihood very vncertain In the next place It is to be confidered that the Chrifian Servants in this Country are for the moft part the worfer fort of the people in *Europe*, and that fince the peace hath been Concluded Such numbers of *Irish* and other Nations a great many of which have been Soldiers in the late Warr that according to our prefent Circumftances we can hardly Govern them And if they were fitted wth Armes and had Such Oportunity of meeting together as by Mufters, We have juft reason to feare they may rife vpon us And if there was occafion for the defence of the Country to make ufe of them tis to be doubted for the Sake of their ffredome and the difference of their Religion of a great many of them Efpecially *Irish* & for other reafons they will rather be our Enimies then contribute to our Affiftance, And if anything relateing to the Malitia be thought neceffary to be amended they conceive it proper for the Confideration of Such as fhall be appointed to revife the Laws. That to the report of the Committee vpon the Eighteenth and Nineteenth Parag^h of the said Instructions relateing to ffortifications and Storehoufes. this Comittee conceives it proper to come vnder the Confideration of the Houfe when the proceedings of his Excellency in Councell now lying before the Houfe are confidered

The petition of *John Tullit* praying a further Allowance for the Houfe by him repaired and fitted for and in which the Houfe of Burgeffes Sit is referred untill the report of the Comittee of Publick Claimes relateing to the said *Tullits* allowance for the houfe be read in the houfe.

A Complaint being made to this Houfe that *Thomas Walter* Sub fheriff of *Westmerland* County hath attacht two Negro Children in the said County of the Eftate of *Gowen Corbin* Gent. a Member of this houfe in breach of Priviledge of this Houfe

Ordered. That it be referred to the Committee of Priviledges and Elections to Examine the matter in the said Complaint and to report the Same with their Opinions therein to the houfe.

Ordered That M^r *Giles* be added to the said Comittee in the room of M^r *Corbin*

Tuesday May the 23^d 1699.

THE Houfe mett and

Then the Houfe adjourned till four a Clock in the afternoon *Post Meridian*

Ordered That the Confideration of the proceedings of his Excell^{cy} in

Council laid before this Houfe be referred til to morrow

Then the Houfe adjourned till to morrow nine a Clock

Wednesday May the 24. 1699.

M^R *Cuftis* from the Comittee of Priviledges and Elections to whom was referred the Complaint made to this houfe, that *Thomas Walter* Sub fheriff of *Westmerland* hath attacht two Negro Children in the said County of the Eftate of *Gowen Corbin* Gent. a Member of this Houfe in breach of priviledge of this Houfe, Reported that the said Committee had come to fome refolutions therein and had directed him to report the fame which he read in his place and afterwards delivered them in at the Table where they were read and agreed to by the Houfe as followeth

Upon

Upon Consideration whereof It is the Opinion of this Committee and accordingly.

Resolved. That the takeing out and Serveing the said Attachment against the Estate of the said Mr *Corbin* within ten daies of the Session of this Assembly is a breach of the priviledge of the House

Resolved That the proceedings upon the said Attachment and all other procefs ought to be suspended Pursueant to the Laws of this Country And.

Ordered. That the said Attachment and all things relateing thereto be Suspended according to the Laws of this Country And

Ordered. That Mr *Speaker* be desired by Letter to the Court of *Westmerland* County to acquaint them with the Resolves of this House relateing to the 1^d Attachment And

Ordered That the Messenger of this House do forthwith Send the Said Letter, and take the Sherriff of the said County into Custody for breach of priviledge of the house And vpon his Refusall of makeing payment of three pounds to him for his Trouble therein to bring him the said Sheriff forthwith before the House to answer the same

A Bill appointing a Committee for the Revifall of the whole Body of the Laws of this Country, read the first time And

Ordered A Second Reading.

A Bill for confirming Titles to Towne lands read the first time and

Ordered a Second Reading

Severall proceedings of his Excell^{cy} in Council laid before this House, were read and after a Debate therevpon

Ordered That the said Proceedings be referred to the Consideraçon of the Committee of Propositions and Greivances to report their Opinions therein, and proper answers thereto

Co^{ll} *Ludwell* from the Committee of Greivances and Propositions to whom was referred to prepare and bring in a Bill appointing a Treasurer. And a Bill giveing Encouragement to Adventurers vpon a new Discovery of the Westerne Indians, Reported that the said Com^{tee} had accordingly prepared the said two Bills which he delivered in at the Table

Resolved that a Conference be desired with the Council concerning the manner of building the State house. the quantity of land necessary for the same and other matters relateing thereto And.

Ordered That Mr *Taylor*, Mr *Robinson* and Mr *Rafcow* forthwth withdraw and desire a Conference accordingly And that they will please to appoint a time and place.

And being returned Mr *Taylor* reported that according to the Order of the House they had acquainted the hon^{ble} Council that a Conference was desired by the house vpon the said matter relateing to building a State house on and their honours were pleased to say they would Send an Answer

Mr *Speaker* acquainted the House that Mr *Baffett* was gone out of Towne, his wife being very sick, and desired to be Excused from his present Attendance on the Service of the House and he was excused accordingly

A Message from the Council by Mr *Harrison*

Mr *Speaker*

I am commanded by the hon^{ble} Council to acquaint this house that to the message of this House this day sent to the Council desireing a Conference, they have agreed and have appointed three of their Members who wait now in the Great hall

Ordered That Mr *Leigh*, Mr *Taylor*, Mr *Ranson*, Mr *Beverly* Mr *Corbin* and Mr *Buckner* be the Managers for the House and that they forthwith attend the said Conference

Mr *Custis* moveing the House for leave [to] go over to *York* upon Extraordinary Occasions, leave was accordingly given him And

Ordered That he attend the Service of the house to morrow

Mr *Leigh* reported that the persons appointed to Manage the Conference with the Council upon the matters relateing to the building a State house and the Land necessary for the same, had accordingly attended the said Conference and that their Honours were pleased to deliver them a Plott or Draught of the building which he delivered in at the Table, and that they were pleased to Say they could not proceed to the matter relateing to the Land untill the same was laid out and a Plott or Draught thereof drawne

Ordered

Ordered That the further Consideration of the matters relating to the building a State house be referred untill to morrow.

Coll *Ludwell* from the Committee of Propositions and Grievances to whom was referred to prepare and bring in a Bill laying an Imposition vpon Liquors &c reported that the said Committee had prepared a Bill for Lessning the Levy by the poll and laying an Imposition vpon Liquors for and towards the building a State house and other publick uses which he delivered in at the Table

A Bill appointing a Treasurer read the first time And

Ordered a Second Reading.

A Bill giving Encouragement to Adventurers vpon a new Discovery of the Western Indians. Read the first time and

Ordered a Second Reading —

A Bill for Lessning the Levye by the Poll and laying an Imposition vpon liquors for and towards the building a State house and other publick uses, Read the first time And

Ordered a Second reading. And

Then the House adjourned till to morrow nine a Clock

Thursday May the 25th 1699.

UPON further Consideration of the State house to be built being referred to this day and againe debated. The House agreed as followeth

That the House be built according to the forme and Dimentions of the Plott or Draught laid before this House.

That the Ground appropriated for the State house be the Ground agreed vpon by his Excellency the Govern^r Councill and Burgeses the 23^d of this Instant and two hundred foot every way from the building not to be built vpon for any other Account whatsoever

That the foundation of the building be four Brick thick up to the Surface of the Ground, three brick and half thick to the Water Table, and from the Water Table to the Top of the first Story three Brick thick and from there to the Top of the Second Story Two Brick and half thick

The Gallary between the two buildings to be raised vpon Piazo^s and built as high as the other Building, and the Walls to be of the same thickness, and a Cupulo to be in the middle of the Crofs Building And that there be an Iron Balcony upon the first floor in Each front

That the Windowes be Safh Windowes, and the Roof a Hipp Roof with Dormant Windowes, and well shingled with Cypres.

That one Building be appropriated to the Use of the Gen^l Court and Council and the Offices thereto belonging.

That the other building be appropriated to the Use of the House of Burgeses and the Offices thereof.

That the Great Roomes below of each building be laid with flagg stone.

That a Proviso be made in the Bill empowering the Treasurer to pay to the persons employed to undertake or Oversee the building before the meeting of the next Assembly what money the said persons from time to time may have Occasion for. not Exceeding the Summe of ffifteen hundred pounds for which the persons employed and receiveing the same as aforesaid shall be Accountable to the next Gen^l Assembly

That the Committee appointed for the Revifall of the Laws be required and empowered to Article with Undertakers or other waies for carrying on and finishing the buildings according to the Dimensions aforesaid, and that they be likewise empowered to send for out of *England* Iron worke, Glafs. painte and other appurtenances necessary to finish the said buildings

That

That the said Committee as often as they shall have occasion for Money shall from time to time apply themselves to the Governor (or Commander in Chief for the time being) who is empowered and desired to issue his Warrant requiring the Treasurer to pay Such money as he shall have in his hands not Exceeding the Summe aforefaid—

Ordered That the Committee of Propositions and Greivances do prepare and bring in a Bill directing the building of a State house

A Message from the Council by M^r *Harrison*

M^r *Speaker*

The Council has Commanded me to returne to this house two Engrossed Bills Sent to them for their Concurrence

A Bill for the more Effectuall Suppressing of Blasphemy Swearing, Curseing, Drunkenes and Sabbath breaking And

A Bill for p'vention of undue Elections of Burgeffes with Severall Amendments to be made to which they desire the Concurrence of this house and the Same were read and severall of them were disagreed unto. And the residue agreed unto by the house and made accordingly in the Bill

Ordered That M^r *Leigh* and M^r *Robinson* do wait on the Council with the said two Bills and desire their hon^{rs} Concurrence to the same as they are now Amended

Co^{ll} *Ludwell* from the Committee of Propositions & Greivances to whom was referred the Consideraçon of the proceedings of his Excellency in Council laid before this house Reported that the said Committee were come to Severall Resolutions therein and had directed him to report the same to the house which were read and afterwards delivered in at the Table And

Ordered. That the House take the same into Consideraçon to morrow

A Bill confirming Titles to Towne lands, read a Second time and after a Debate and the question put. That the Bill be committed

Passed in the affirmative And.

Ordered. That the said Bill be Committed to the Comt^{ee} of Publick Claimes for Amendments

A Bill giving Encouragement to Adventurers vpon a new Discovery of the Western Indians after a Debate and the question put That the Bill be Committed

Passed in the Negative. And

Ordered That the Bill be Dashed. And

Ordered That the Consideration of such a Law be recommended to the Consideration of the Committee for Revivall of the Laws

A Bill appointing a Treasurer read a Second time and after some Amendments made at the Table

Ordered. That the said Bill be ingrossed

A Bill for Lessning the Levy by the poll and laying an Imposition vpon Liquors for and towards the building a State house and other publick uses. Read a second time And

Ordered That the said Bill be ingrossed.

The Petition of *Thomas Milner* Gent complaining of an undue Election of *Thomas Godwen* Jun^r Gent. returned a Burgefs to Serve in this Assembly for *Nansemond* County being read in the house

Ordered That it be referred to the Consideration of the Committee of Priviledges and Elections to Examine the matter and report their Opinions therein And

Then the house adjourned till nine a Clock to morrow

Fryday May the 26th 1699.

THE House haveing (according to order) taken into consideration the report of the Committee of Propositions and Greivances vpon his Excellencies proceedings in Council laid before the house and vpon debate thereof

Resolved That the House forthwith resolve it selfe into a Committee of the whole house to take into further Consideration the said proceedings and the report of the Committee thereupon and after Some time Spent therein M^r *Speaker* resumed the Chaire

Chaire and M^r Cary reported that the Said Committee had made Some Progreſs in the matters to them referred and had directed him to move that they may have leave to Sit againe

Resolved that this Houſe will to morrow Morning reſolve itſelf into a Committee of the whole houſe to conſider of the ſaid Proceedings and report therevpon

A Meſſage from the Council by M^r Harrifon

M^r Speaker.

The Council hath Commanded me to acquaint you that they have entred into a Debate concerning the amendm^{ts} and the method of makeing the Amendments of the two Bills ſent them

A Bill for the more Effectuall Suppreſſing of Blaſphemy Swearing, Curſeing, Drunkenneſs and Sabbath breaking And.

A Bill for Prevention of Undue Elections of Burgeſſes And that they have appointed four of their Members to meet Such a Convenient Number of yo^r Members as you ſhall appoint to conſerr on the Subject matter of the ſaid Amendments and the method of making them

That the Houſe agreed to the Conference propoſed by their Hon^{rs} And

Ordered. That M^r Cary, M^r Leigh, M^r Taylor, M^r Cuſtis, M^r Beverley. M^r Coltſon, M^r Giles and M^r Buckner be the Managers for the Houſe. And

Ordered. That M^r Wilſon, M^r Harrifon, and M^r Raſcow do forthwith withdrawe and Acquaint their Honours That the Houſe has appointed Eight of their Members (upon their meſſage this day ſent by M^r Harrifon) to conſerr with them at Six a Clock in the Evening and that their Hon^{rs} will pleaſe to appoint a place

And being returned M^r Wilſon acquainted the houſe that they had acquainted their Honors the houſe had appointed Eight of their Members to attend the Conference at Six a clock this Evening and deſired they would appoint a place Vpon which they were pleaſed to nominate the Great hall

Ordered that the Managers for the houſe attend the Said Conference at time and place accordingly

Resolved That an Addreſs be made to his Excellency to returne his Excellency the thanks of the Houſe for the favour of his Speech and the Inſtructions of their Excellencies the Lords Juſtices of *England* to his Excellency the Govern^r and to Signifie the Reſolution of the Houſe upon Conſideration of the ſeverall parts of the Same, And alſo vpon the Severall proceedings of his Excellency in Council Since laid before this Houſe And.

Ordered. That the Committee of Publick Claimes do prepare and bring in the ſaid Addreſs and that M^r Beverly be added to the ſaid Committee

M^r Cuſtis from the Comi^{ttee} of Priviledges and Elections to whom was referred to conſider and Examine the Complaint of *Thomas Milner* Gent. relating to an vndue Election and returne of *Thomas Godwin* Gen^t Burgeſs to Serve in this Affembly for *Nanfemond* County reported that the ſaid Committee were come to a reſolution therein and had directed him to report the ſame which he read in his place and afterwards delivered in at the Table where the ſame were read and agreed to by the houſe as followeth.

This Comi^{ttee} having to them referred from the Houſe the Petition of *Thomas Milner* of *Nanfemond* County Gent. of an vndue Election of *Thomas Godwin* Jun^r Gent. who was returned by the Sheriff of the ſaid County A Burgeſs to ſerve in this preſent Seſſion of Affembly being conſidered and debated and therevpon finding by Severall Evidences that there was many vnfaire Practices uſed in the ſaid Election it is therefore the Opinion of this Comi^{ttee} and accordingly.

Resolved That Cap^t *Thomas Jorden* Sheriff of that County be ſent for by the houſe in Cuſtody of the Meſſenger to Anſwer the Same. And

Ordered That Cap^t *Thomas Jordan* Sheriff of *Nanfemond* County be forthwith ſent for in Cuſtody of the Meſſenger of the Houſe to anſwer the ſaid Complaint of the vndue Election and Returne of the ſaid M^r *Thomas Godwin* Jun^r Burgeſs of *Nanfemond* —

Ordered.

Ordered. That the persons appointed to manage the Conference with the Council do wait on his Excellency and in the name of the House pray his Excellency that he will please to nominate the Members of the Council that shall be on the Committee for Revivall of the Laws

A Message from the Council by *M^r Harrison*

M^r Speaker.

I am Commanded by the Council to returne to this House an Ingrossed Bill for the restraining and Punishing of Pyrates and Privateers agreed to by the Council in Case amendments be made therein

A Bill to prevent the Discontinuance of Courts and Proceſs agreed to by the Council in case amendm^{ts} be made therein—

A Bill for the Punishment of Slaves for the first and Second Offence of Hogg stealing agreed to by the Council in case Amendments be made therein

A Bill for regulateing of Juries agreed to by the Council in Case Amendments be made therein

M^r James Cock moveing for Leave to go to his owne house upon Extraordinary Occasions, Leave is accordingly given him. And

Ordered he attend the Service of the House on *Monday* next afternoon And

Then the House adjourned till to morrow Eight a Clock.

Saturday May the 27th 1699.

M*R Speaker* acquainting the House that his Excell^{cy} was pleased to propose that *M^r Thacker* be joyned with *M^r Bland* to lay out the appointed Land on which to build a State house and Towne.

Ordered That *M^r Theoderick Bland* and *M^r Edwin Thacker* do lay out the said Land and returne an Exact Plott thereof.

The House according to Order Yesterday, resolved it Self into a Committee of the whole house to take into Consideration the report of the Committee of Proposiçons and Greivances Vpon his Excellencies Proceedings in Council laid before this House and after Some time Spent therein *M^r Speaker* resumed the Chair and *M^r Cary* reported that the Committee had agreed upon Some resolutions therein which they had directed him to report to the house, and haveing read them in his place delivered them in at the Table where they were read and agreed to by the House as followeth.

That the said proceedings and report therevpon being by the Committee debated and maturely weighed and considered they report as followeth

That this Committee do conceive and are of Opinion that the Severall fortifications in this Dominion are at this time much decayed and very ruinous and in the Condition they are now of Little Use to the Country and do so far agree with the Advice of the Council that at present the Country be at no Charge about them.

And that they do agree with the Council that the best and Safest way to secure the Powder is to distribute it into the Severall Countys where it will be in readines for the Service of the Malitia in the defence of the Country

It is the Opinion of this Committee that the most proper way to Suppress any Insurrection in the Country is by the Malitia and in case of any danger of an Enimye by water the most proper meanes for the defence of the Country would be by a Navall force, but that the Charge in maintaining Such would be altogether insupportable to the Country.

The proceedings and Opinion of his Excellency in Council dated the Seventeenth of *May* 1699 relateing to the provideing of one or more Cruiseing Vessells for the detecting of false Traders comunicated to the house to consider and give their Opinions thereon being referred to this Committee to report their Answer to the Same. And it being by them duly considered they do report that they Concurr and agree with the Resolutions and Opinions of his Excellency and the honorable Council therein

To

To the Opinion of his Excellency in Council and the report of the Committee thereupon relating to the raising money enough to pay the Publick Debts already contracted and build a State house this Committee do Concurr and agree and are of Opinion that Laws laying an Imposition upon Servants and Slaves and Liquors do Sufficiently provide for the Same.

But to that relating to making Sufficient provisions for the Security and defence and all Contingences which may happen to the Government and the report thereupon this Committee do not agree.

But that in as much as by the mercy of God and puissance and good Conduct of our gracious king we at this time enjoy an intire peace, having neither Christian or Heathen Enimye and considering that if any Sudden Incurfion should be made upon our frontiers by any party of Indians who are our most Common Enimye, or any Invasion upon us by water the most Expeditious defence would be by calling in the Assistance of the Neighbouring Malitia. Wee see no reason at this time to feare any Evill Consequence for want of a Standing force—

But in regard this Assembly hath had certaine Intelligence that the *Piscataway* Indians at the head of *Potomack* River have Strongly informed themselves and by their late Carriage have rendred their Designs Somewhat Suspicious—

It is the Opinion of this Committee that if the Govern^r with Advice of the Council shall adjudge it absolutely necessary at any time before the meeting of the next Assembly to raise and put in Pay Eleven Rangers and a Lievtenant the Number vsual for Security and defence of that frontier that the Assembly at their next meeting will readily answer the Charge

And if contrary to our reasonable hopes any unforeseen Enimye should arise threatening any part of this Dominion in Such Case if the Governour with the advice of the Council shall Judge it absolutely necessary for Security of the Country, that Men be raised Suitable for Suppressing Such an Enimye that then the Assembly will answer the Charge at their next meeting

A Message from the Council by M^r *Harrison* who brought in an Ingrossed Bill prohibiting the Unreasonable killing of Deer agreed to by the Council in case of Amendments and a Clause to be added thereto—

And the said Amendments and Clause being read the House agreed thereto and accordingly made them in the Bill—

M^r *Cary* reported from the Conference that the Managers for the house had conferred with the Council about the Amendments and the method of making the Amendm^{ts} In the Bill for the more Effectuall Suppressing of Blasphemy Swearing, Cursing, Drunkenness and Sabbath breaking and A Bill for prevention of Undue Elections of Burgeffes And that they desired for the future that Amendm^{ts} to Bills might be made in a Distinct paper and not amended in the Bills themselves untill they were fully agreed upon to w^{ch} the House agreed. And the said Conferrees further reported that the Council had offered reasons for the Amendments to the said two Bills by them proposed and acquainted the house therewith.

Ordered. That the said Managers of the Conference do returne to the Council the said two Bills and acquaint them that the House agreed to the method by them proposed of mending Bills for the future And also that in the Bill for the more Effectual Suppression of Blasphemy &c they agreed to that Amendment by them proposed of making One Month two Months. but to the residue of the Amendm^{ts} they do not agree but desire their Honours Concurrence thereunto without other Amendments.

M^r *Cary* reported that according to Order of the house the persons appointed to manage the Conference waited on his Excellency and desired he would please to nominate Some Members of the Council to be of the Committee for Revivall of the Laws to which he was pleased to give him an Answer in writing and M^r *Cary* delivered the Same in at the Table

Wednesday

(182)

Wednesday May the 17th 1699.

By his Excellency and Council

A Committee to joyne with the Committee of the House of Burgeffes to proceed in and compleat the Revifall of the Lawes

Edward Hill, Mathew Page, and Benjamin Harrifon Esq^{rs}

A Committee appointed by the House to joyne with the Committee of the Council to proceed in and Compleat the Revifall of the Lawes.

M^r Cary M^r Taylor

M^r Beverly M^r Armistead

M^r Duke M^r Buckner

A Bill appointing a Committee for the Revifall of the whole body of the Lawes of this Country and a Clause to be added thereto read a Second time And

Ordered That the Bill with the said Clause be ingrossed.

Ordered That the Managers of the Conference carry to the Council these five Bills
viz^t

A Bill for restraining and Punishing pyrates and Privateers—

A Bill to prevent the Discontinuance of Courts and procefs.

A Bill for the Punishm^t of Slaves for the first and Second Offence of Hogg stealing

A Bill for regulating of Juries.

A Bill prohibiteing the unseasonable killing of Deer and acquaint them that the house had agreed to the Amendm^{ts} Additions and Alterations propofed by their hon^{rs} & had accordingly made them in the Bill

A Bill for confirmation of Titles to Towne Lands brought in by M^r Cary from the Committee of Claimes, to whom it was referred for Amendments. which said Amendments being twice read and agreed to by the House.

Ordered That the Said Bill be Ingrossed.

The Petition of *Thomas Milner* Gent. praying ord^{rs} for Appearance of his Evidences in his Complaint against M^r *Thomas Jorden* Sheriff of *Nanfemond* concerning the Undue Election of M^r *Thomas Godwin* returned Burgefs to Serve in this Affembly for the said County was read And

Ordered. That the Messinger of the House give notice to all Evidences both for the Complainant and Sheriff to appear at *James City* on *Thursday* next before the House and give their Evidences accordingly

Co^{ll} *Ludwell* from the Committee of Propofitions and Greivances to whom was referred to prepare and bring in a Bill for the building a State house reported that the said Committee had accordingly prepared the Said Bill which he delivered in at the Table where the Same were read the first time And

Ordered A Second Reading And then

The House adjourned till *Monday* Seven a Clock

Munday May the 29th 1699.

THE House mett And
Adjourned vntill to morrow Seven a Clock

Tuesday May the 30th 1699.

A BILL appointing a Committee for the Revifall of the whole Body of the Laws of this Country being read the third time a New Clause was propofed to be made therevnto and the Said Clause being read three times The House agreed to the Same And

Ordered That M^r *Leigh*, M^r *Taylor* and M^r *Macon* forthwith withdraw and put the said Clause to the Bill, who being returned and the Clause made to the Bill accordingly
Resolved. That the Said Bill with the new Clause do pass the House

A Message from the Council by Mr *Harrison* who brought into the House Seven Bills Viz

A Bill for the more Effectually Suppressing of Blasphemy Swearing, Curfeing, Drunkenness and Sabbath breaking agreed to by the Council wth the Amendm^{ts} made in the house

A Bill for prevencon of Undue Elections of Burgeffes agreed to by the Council with the Amendm^{ts} made in the House

A Bill for restraining and Punishing of Pirates and Privateers agreed to by the Council according to y^e amendments

A Bill to prevent the Discontinuance of Courts and procefs agreed to by the Council according to the amendments

A Bill for the Punishment of Slaves for the first and Second Offence of Hogg stealing agreed to by the Council according to the Amendments.

A Bill for Regulateng of Jurys agreed to by the Council according to the Amendments

A Bill prohibiteing the unfeasonable killing of Deer agreed to by the Council according to the Amendments.

A Bill for confirming Titles to Towne Lands was read the third time and Some Amendments agreed to be made in the House and read three times—

Resolved. The Bill do pass.

A Bill appointing a Treasurer was read the third time And

Resolved the Bill do pass—

A Bill directeng the building of the Capitol &c read A Second time and

Ordered. The said Bill be committed

A Bill for Lessning the Levy by the Poll and laying an Imposition vpon Liquors for and towards the building of the Capitol and other Publick uses was read the third time And

Resolved the Bill do Pass

A Bill for laying an Imposicon vpon Servants and Slaves imported into this Country towards the building the Capitol was read the third time And

Resolved The Bill do pass

Ordered. That Mr *Cary*, Mr *Harrison* Mr *Rafcow*, Mr *Holt*, Mr *James Cock* and Mr *Littleton* do carrye these four Bills to the Council and desire their hon^{rs} Concurrence therevnto—

Ordered That the House to morrow Morning do take into Consideracon the Book of Publick Claimes And then

The House adjourned till to Morrow Morning Six a Clock.

Wednesday May the 31st 1699.

MR *Speaker* haveing Communicated to the House a Letter by him received on *Munday* last Directed. These To Colon^l *Robert Carter* Speaker of the House for the Country Service. Ɔ Gent. in which was inclosed a paper of verses, which being read, and the house being informed that Mr *John King* of the County of *New Kent* now in Towne can give Some Acco^t in relation to the Author of the same

Ordered That the Messinger cause the said *King* to appear before the House and the house being informed he was at the Door he was called in and Examined, and divers questions being put to him he Answered—

That Mr *Gray* a Minister in *Middfex* County came to his house about a fortnight Since and read to him a Paper of Verses, by way of Dialogue between A. and B. which verses he the said *King* took in writeing as they were by the said *Gray* read. And vpon perusall of these verses read in the house he the said *King* declared they were (to the best
of

of his Memory) the very Same Mr *Gray* read as aforefaid. Except fome Small Difference viz^t That inftead of the word *Dad* there was in thofe read as afore^d the word *Cock* and that after the word *Rave* there was in thofe read as aforefaid the word *Lye* And that the letters were put along in the Mergent as the Letters are in this Copy now in the Houfe but that the Letters in the other was A. B. as aforefaid And in this it is N. B.

The faid *King* further declared that the verfes read by Mr *Gray* as aforefaid were much rafed and that the faid *Gray* often Said they were put into his pocket by fome Idle Rascal or other at Towne. And that as he came from Towne he faw a Letter on the road directed to Mr *Speaker*, and had he been going to Towne he would have taken it vp but being comeing from Towne he did not

Ordered. That the faid verfes be Copied to remaine in the houfe And that Mr *Leigh*, Mr *Cary*, Mr *Colfon* and Mr *Rafcow* do waite vpon his Excellency with the Original Verfes and the Paper in which they were inclofed. And alfo acquaint his Excellency how far the Houfe has proceeded in the Examination, and that the Houfe were of Opinion, It is a very Scandalous and Libellous Paper and very reflectiue vpon the Government and therefore thought convenient to lay the fame before his Excellency for fuch further proceedings to be had by the Attorney Gen^l as in his Excellencies wifdome fhall feem meet

The Houfe according to Order Yefterday took into Confideration and hearing the Book of Publick Claimes read thro'rough the Severall Articles therein contained w^{ch} were agreed to by the Houfe with Such additions and Alterations as are voted downe in the body and Mergent of the faid Reports

Resolved. That the Houfe do forthwith refolve it Selfe into a Comittee of the whole Houfe to take into confideration the allowances for the refpective Officers that attended this and the laft meeting of Affembly, and all Such further Allowances as are to be added to the Book of Reports of the Comittee for Publick Claimes and accordingly the houfe refolved into a Comittee of the whole houfe to take the Said Allowances into Confideration and after fome time fpent therein Mr *Speaker* refumed the Chaire and Mr *Leigh* reported that the faid Comittee had agreed vpon Severall Allowances which he read in his place and afterwards delivered them in at the Table where being read and agreed to by the Houfe and annexed to the Book of Reports of the Committee of Publick Claimes

Ordered. That Mr *Mafon*, Mr *Talliaferro*, Mr *Allerton* and Mr *Hoe* carrye the Book of Reports of the Committee for publick Claimes together with the Additions this day made in the houfe to the Council and defire their Concurrence thereto.

A Meflage from the Council by Mr *Harrifon*
Mr *Speaker*.

I am commanded by the Council to acquaint the houfe that vpon Confideration of an Ingroffed Bill from this Houfe reftreaineing the Strikeing and killing of Whales they are of Opinion that it intranches vpon the Kings Perogative but in regard It is p^rjuditiall to the Inhabitants of this Country, they are ready to joyne in an Addrefs to his Excellency for a Remedy of the fame whenever this houfe fhall defire it

Mr *Colfon* moveing the Houfe for leave to go to his owne houfe upon Extraordinary Occasions leave was accordingly given him

Mr *Mafon* reported that according to the Order of this houfe the Members appointed to carry the Claimes to the Council had accordingly carryed the Same & defired their honours Concurrence therunto

Mr *Leigh* reported That the Members appointed to waite on his Excellency with the Originall verfes or libellous paper Communicated to this houfe by Mr *Speaker*. had accordingly delivered the Same with the paper in which it was inclofed to his Excellencie and acquainted him how farr this houfe had proceeded in the Examination and with the Opinion of the Houfe therein—And

Then the Houfe adjourned till to morrow nine a Clock

Tuesday

Tuesday [Thursday] June the first 1699.

M^R *Speaker* acquainted the house that *M^r Perrigrin Cony* would have waited on the house and rendred Thanks for the Gift of the House of twenty pounds to him for his Attend^e to read Divine Service to this Assembly but being very sick prayed to be Excused And that the House would please to Accept of his gratefull Acknowledgement without his personall Attendance to render the same Upon y^e Motion of A Member of this House.

Ordered That *M^r Custis M^r Robinfon, M^r Welburne and M^r Littleton* do prepare and bring in an Address in the name of the Council and Burgeffes of this Generall Assembly to his Excellency praying his Excellencie for the future to restraine the Strikeing and killing of Whales

The House being informed that the Messinger has in his Custody the Sheriff of *Nansmond* County and attends at the Door, *M^r Godwin* being ordered to withdraw the Sheriff was brought into the house and *M^r Milner* being also in the house and moveing that he might be heard by his Council

Ordered That the said Complaint be heard by his Council and that *M^r Godwin* be called into the House. where after Examinacon of Severall Witnesfles and Debate thereupon the said Sheriff and *M^r Godwin* desireing time to produce further Evidences The question was put that further time be given to produce Evidences as aforefaid

Resolved in the affirmitive And.

Ordered That time be accordingly given till the Second day of the next Assembly for appearances of such Evidences as either party shall bring before the house

A Message from his Excell^{cy} by *M^r Harrison*

M^r Speaker

His Excellency Commands this house imediatly to attend him and the Council in the Great Hall. And

Accordingly the House went downe to attend his Excellency

And being returned

M^r Speaker acquainted the house that his Excellency was pleased to Say to this Effect That he had received Instructions from their Excellencies the Lords Justices of *England* that the Employments of Collector and Navall Officer should not be comitted to one and the Same person and that the trouble of the said Officers was alike and therefore recommended to the House the makeing a Law for setling the fees of each of the said Offices and was pleased to deliver to him the said Instructions and Severall other papers relateing thereto

He also was pleased to say he received a Letter from some worthy Members of this House directed to Co^{ll} *Robert Carter* Speaker of the House for the Country Service w^{ch} was sent him as being a scandalous and Seditious Libell against his Majestye and the Government for which he was pleased to thank the House and to say to what related to himself it was so insignificate that he should take no notice of it, but as to what related to his Majestye and the Government he would take Care that the Author thereof should be prosecuted according to Law.

He also was please to say Something relateing to some person in *Nansmond* County which that it may by the House be the better considered

Ordered That *M^r Cary M^r Harrison M^r Bassett, M^r Macōn M^r Cock and M^r Buckner* do waite on his Excellencye and Pray he will please to Communicate the Same to the House in writeing

M^r Beverly from the Committee for Examineing the Claimes to land in *Pomunkey* Neck and on the South side of *Blackwater* Swamp and to consider of the most proper meanes to Settle the Northerne and Southerne Bounds of *Virginia* reported that the said Committee had considered the severall matters and had entred their Resolutions therein in a Small paper Book which he delivered in [at] the Table

M^r

Mr Cary reported the Members appointed by the house to pray his Excell^y will please to Communicate in writing what he was pleased to Say to the house this day when they attended him in the Great Hall had accordingly waited on his Excellency and he was pleased to say he would send it

Mr Cary from the Committee to whom it was referred to prepare an Address to his Excellency setting forth the Resolutions of the House upon the severall parts of his Excellencies Speech and the Instructions of their Excellencies the Lords Justices of *England* to his Excellency the Govern^r and also vpon the Severall proceedings of his Excell^{cie} in Council Since laid before this House. Reported that the said Committee had accordingly prepared an Address which they had directed him to present to the House And the said Address being by him presented and read in his place was afterwards delivered in at the table and

Ordered. That the said Address be read againe to Morrow morning And
Then the house adjourned till to morrow Morning Six a Clock

Fryday June the 2^d 1699.

THE Address to his Excell^y Setting forth the resolutions of the House upon the severall parts of his Excellencies Speech and the Instructions from their Excellencies the L^{ds} Justices of *England* to his Excellencie the Govern^r and also vpon the Severall proceedings of his Excellencie in Council Since laid before this House was according to Order read and approved by the house as followeth
To his Excell^y Francis Nicholfon Esq^r his Maties Liev^t and Govern^r Gen^l of Virginia—

The humble Address of the House of Burgeffes
May it Please yo^r Excell^y

Wee his Majest^{ies} most Loyall and obed^t Subjects The House of Burgeffes now assembled in his Majest^{ies} most Antient Colony and Dominion of *Virginia* do humbly take leave to returne yo^r Excell^y most humble and unfeigned Thanks for yo^r Excell^{ys} many favourable Expressions to this House at the Opening of the Session and greatly to acknowledge the great Satisfaction we have received in our Experience of yo^r Excellencies Zeal for the Service of his Majesty and the good and Prosperity of this his most antient Colony and Dominion of *Virginia*.

As to the former part of yo^r Excell^{ys} Speech relateing to yo^r kind Invitation to his Majesties Royall Colledge of *William and Mary* &c we have already presumed to express o^r thoughts to yo^r Excellency by our Answer in an humble Address And by yo^r Excell^{ys} kind acception thereof have no reason to doubt but that yo^r Excellency is well satisfied that the same proceeds from the reall Sentiment of our hearts and the Sincerity of our Intentions—

Yo^r Excell^y hath been pleased to recomend and communicate to this House Severall Instructions from their Excellencies the L^{ds} Justices of *England* for our Compliance therewith which We haveing taken into Consideration do humbly answer in Generall That we still are and have been alwaies willing to manifest our ready and cheerfull Obedience to his Maj^{ties} Royall Commands to the utmost of our poor Abilities as farr forth as is any way Suitable to the Circumstances of this his Maj^{ties} Colony and Dominion And to Testifye the same shall returne our Answer to every Paragraph of the said Instructions which we hope yo^r Excellency will be pleased favourably to accept

As to the first of the said Instructions laid before this House relateing to yo^r Excell^{ys} transmitting Authentick Copies of the Lawes of this his Majesties Colony and Dominion to *England* Wee humbly take leave to acquaint your Ex^{ty} that we conceive the Compliance wth that Instruccon relates to yo^r Excell^y and that this House is not concerned therein

To the Second of the said Instructions relateing to the Revifall of the whole body of the Laws of this his Majesties Colony and Dominion of *Virginia*. Wee have taken care to testifye our Obedience thereto by a Bill passed this House to that purpose

To

To the third of the said Instructions propofeing That a more equall way may be fetled by Law for defraying the Publick Charges of this Country then by a Levye vpon the Poll and Tythables, We humbly returne for anfwer That in o^r Opinion the beft and moft equall method for defraying the publick Charges of this his Majefties Colony and Dominion is by a Levye vpon the Poll the cheif of moft mens perfonall Eftates here confifting in Servants and Slaves which pay Levies there having no Complaint been ever made (to the knowledge of this Houfe) of the method by a Levye upon the poll by the Inhabitants of this his Majefties Colony and Dominion And when vpon Emergencies and Extraord^y Occafions hath been found neceffary to eafe the Levye by the Poll It hath ftill been done by an Impofition vpon Liquors

To the fourth of the said Inft^ruc^t^a we have manifefted our Obedience by a Bill for an Impofition vpon Liquors and paffed the Houfe this Seffion

To the fifth of the said Instructions propofeing That a Law may be paffed empowering the Governour and Council for the time being to raife as there fhall be occafion a Gen^l Levy or Tax for the better Support of the Government &c We are of Opinion that the holding of Affembly to defray the Charges of this his Majeftys Colony and Dominion is not at all burthenfome or grievous to the Inhabitants hereof and that any other method of laying the fame would be very unfuitable to the Circumftances of this Dominion and uneafie and Inconvenient to the Inhabitants thereof

To the Sixth of the said Instructions propofeing That his Majefties Revenue may not be anticipated &c We do humbly anfwer That wee never yet heard that the Accounts of the Revenue have ever yet been laid before the houfe of Burgeffes Since the Laws relating thereto have been made Nor has the Houfe of Burgeffes been informed that the Revenue was in Arrears till the laft Seffion of Affembly but on the contrary have alwaies underftood till then the Laws appropriated for the Revenue have more then anfwered the publick Occafion And how there fhould be an anticipation then we do humbly conceive is not within our Province to Anfwer.

To the Seventh of the said Instructions Propofeing that All Laws whatfoever for the good Government and Support of this Dominion may be made indefinite and without Limitation of time Except the fame be for a Temporary End. Wee do humbly affure yo^r Excellency That as it hath alwaies been the Constant Ufage & practice of the Affembly So to do So we fhall ftill continue to obferve the fame Except vpon a Temporary Occafion. We find it for his Mai^{ty}s Service and the Good of this Dominion to do otherwife—

To the Eighth of the said Instructions Propofeing that the Gov^r for the time being may be empowered to appoint the time of holding General Courts by a Clause added to the Act made in the Yeare 1684. Entitled *An Act for altering the time of holding Gener^l Courts* &c Wee humbly take leave to acquaint your Excellency That the Laws already made do Sufficiently Provide for the time of holding the Gen^l Courts Suitable and convenient to the prefent Circumftances of this Country And that it would be moft greivous and detrimentall to the Inhabitants of the fame if our Principall Courts of Law where our rights for the moft part have their finall Tryalls fhould not be held at certain times appointed by Law as they are in *England* and other his Majefties Dominions.

To the ninth of the said Instructions propofeing a Survey to be made of this his Majefties Colony and Dominion and of each County in it And that an Exact Mapp be drawne &c We are of Opinion that the said Inft^ruc^tion doth relate to yo^r Excell^{ty} and doth not require an Aniwer from this Houfe

To the Tenth of the said Instructions wherein is Signified That his Majefty of his great Care for the Welfare of this Colony and Dominion hath preferred the perticuler benefit of his Mai^{ty}s Subjects herein permitting a free Trade with the Indians before any other Advantage that might accrue to him by reftaining that Trade &c We the Burgeffes of this Affembly having a due Sence of the fame do humbly acknowledge the Grace and favor of his Majefty therein

To

To the Eleventh of the said Instructions we have already willingly concurred by passing a Bill this present Session for the Purpose therein directed .

To the twelfth of the said Instructions relating to the Limitation of Appeals to the Gener^l Court the Same having been Considered is recommended to the consideration of the Committee for Revivall of the Lawes—

To the thirteenth of the said Instructions proposing That a Law may be passed for the Restraining of Inhumane Severities to Christian Servants and Slaves &c We are of Opinion that the Laws already made have a Tender Care of and do Sufficiently provide in Such Cases

To the fourteenth of the said Instructions relating to the facilitating and Encouraging the Conversion of Negroes & Indians to the Christian Religion We humbly begg leave to answer that Negroes borne in this Country are generally baptised and brought up in the Christian Religion but for Negroes imported hither the Gross Barbarity and rudeness of their manners, the variety and Strangeness of their languages and the weakness and Shallowness of their minds renders it in a manner impossible to attain to any progress in their Conversion and as to the Conversion of the Indians We make no doubt of the Care of his Majesties Royall Colledge therein being encouraged and obliged thereto by the Donation of a pious and Noble Benefactor

To the 15th of the said Instructions recommending the raising of Stocks and building Publick Workhouses in convenient places for the Employment of poor and indigent persons &c We do humbly answer That this Country is not in a Capacity to raise money for Such a Use and if it could be done We are of Opinion that the poor of this Dominion are by law effectually provided for an Easier way

To the Sixteenth of the said Instructions relating to the building of a house for the Governour of this his Majesties Colony and Dominion &c We are of Opinion That in regard there are many publick Debts and other Charges and particularly that of building a State house which now lyes on the Country we are not in a Capacity to undertake So great a work at this time

To the Seventeenth of the said Instructions proposing the Lifting and Arming of Christian Servants &c We are humbly of Opinion that if Such a thing were put in practice it would be very burthensome uneasie and ruinous to the Inhabitants of this Country and would be attended with many Evil and pernicious Consequences, first It would greatly affect the poorer Sort whose Servants are for the most part Christians And to have their Servants be at the Summons of an Officer as often as he shall think fit would render the profits of Such Servants (which are our main dependance in point of livelyhood) very uncertaine and in the next place It is to be considered that the Christian Servants in this Country for the most part consists of the Worser Sort of the people of *Europe* And since the Peace hath been concluded Such Numbers of *Irish* and other Nations have been bro^t in of which a great many have been Soldiers in the late Warrs That according to our present Circumstances we can hardly governe them and if they were fitted with Armes and had the Opportunity of meeting together by Mufters We have just reason to feare they may rise upon us And if there should be any Occasion for the defence of the Country (which God forbid) to make use of them Tis much to be doubt^d that for the sake of their freedom and the difference of the Religion of a great many of them Especially the *Irish* and for other reasons they would rather be our Enemies then Contribute to our Assistance And as to the Laws relating to the Malitia if any thing therein be thought necessary to be amended We doubt not but it will have its due Consideration by the Comm^{tee} appointed to Revise y^e Laws

To the Instruction for the Suppression of Imorality & Prophaness we have manifested our obedience by a Bill passed this present Session to that purpose

To that paragraph of yo^r Excell^{ys} Speech relating to the restraining of Pirates and privateers we have readily concurred by passing a Bill to that purpose this present Session

To that part of yo^r Excell^{ys} Speech recommending to have Such a Pile of buildings erected

erected so soon as possibly as may not be only larger but more conveniently Serve the Publick Uses then that which was unfortunately burnt the last Fall Wee hope we shall fully answer the same by a bill for that purpose now lyeing before the House—

To the Proceedings of yo^r Excell^{cy} in Council concerning the ffortifications &c: We are of Opinion that the Severall ffortifications in this his Majesties Colony and Dominion are at this time much decayed and very ruinous and in the Condition they now are of little Use to the Country And do so far agree with the Advice of the Council that at present the Country be at no further Charge about them And that the best and Safest way to Secure the Powder is to distribute it into the severall Countys where it will be in a readines for the Service of the Malitia in the defence of the Country. And that the most propper way to Suppress any Infurrection in the Country is by the Malitia & in Case of any danger of an Enimye by water the most proper meanes for the defence of the Country would be by a Navall force but that the Church in the maintaining Such would be altogether insupportable to the Country

To the proceedings of yo^r Excell^{cy} in Council relateing to the provideing One or more Cruiseing Veffells for the detecting false Traders. we concurr and agree with the Resolucons and Opinion of yo^r Excellency and the honour^{ble} Council wherein

To the Opinion of yo^r Excell^{cy} in Councill relateing to the raiseing money enough to pay the Publick Debts already contracted and build a State house. We are of Opinion that the Laws laying an Imposicon vpon Servants and Slaves and Liquors do Sufficently provide for the same But to that relateing to makeing Sufficent Provisions for the Security defence and all contingences which may happen to the Government. This House are of Opinion that inasmuch as by the mercy of God and Puissance and good conduct of our most gracious King. We at this time. Enjoy an Entire peace haveing neither Christian or heathen Enimye. And considering that if any Sudden Incurfion should be made vpon our ffrontiers by any party of the Indians who are our most comon Enimye or any Invasion upon us by water. The most Expeditious defence would be by calling in the Assistance of the Neighbouring Malitia Wee see no reason at this time to feare any Evill Consequence for want of a Standing force. But in regard this Affembly hath had certaine intelligence that the *Piscataway* Indians at the head of *Potomack* River have strongly Enforted themselves and by their late Carryage have rendred their designs Somewhat Suspicious It is the Opinion of this House That if yo^r Excell^{cy} wth advice of the hon^{ble} Council shall adjudge it absolutely neccessary at any time before the meeting of the next Generall Assembly to raise and put in Pay One Leiv^t and Eleven Rangers the number vsuall for Security and defence of that ffrontier the Affembly at their next meeting will readily answer the Charge

And if contrary to our reasonable hopes any unforeseen Enimye should arise Threatning any part of this Dominion in Such Case if your Excellency with the advice of the Council shall judge it absolutely neccessary for Security of the Country that men be raised Suitable for Suppressing Such an Enimye that then the Affembly will answer the Charge at their next meeting—

Thus haveing answered the Severall parts of the Instru^{ct} of their Excell^{cs} the L^{ds} Justices of *England* laid before this House and of your Excell^{cy} Speech and proceedings of yo^r Excellency in Council which we hope your Excell^{cy} will be pleased favourably to accept and also that you will please to represent to his most Gracious Majestye how Zealous we have been in our Endeavours for his Majesties Service and to Comply with his royall Commands— And if therein we have omitted any thing Wee hope it will be So far from being Esteemed a Fault that it will be found (for the reasons already given) that we have Endeavoured as much as in us lyes The Advancement of his Majesties Interest here and the Good and Prosperity of this his Antient and Great Colony and Dominion of *Virginia*

Ordered That the said Address be Ingrossed.

A Meffage in writeing from his Excell^{cy} by M^r *Harrifon*
M^r *Speaker*

I am Commanded by his Excellency to deliver to the houfe this Meffage relateing to the Bufinefs of *Nanfemond* County w^{ch} being read at the Table as followeth

By his Excellency

M^r Speaker and Gentl. of the Houfe of Burgeffes.

From Some of the worthy Members of yo^r Houfe I receiv'd a Letter directed to Co^{ll} *Robert Carter*. Speaker of the Houfe for the Country Service w^{ch} you fent me as being a Scandalous and Seditious Libell againft his Majeftye and the Government, for which I thank you and fhall take Care That the Author thereof be profecuted according to Law

But there is another matter which I think to be of much greater Confequence to the peace of this his Majefties Governm^t and that is the bufinefs of *Nanfemond* concerning which I caufed Severall Depofitions to be taken and laid before your Houfe. And I do now recomend it to you that you come to Some Conclufion of that affaie before the end of the Seflion that I may hereafter proceed to take Such legall Methods as fhall be thought moft requifite for his Ma^{ties} Service therein

Resolved. An anfwer in writeing to the faid Meffage be fent to his Excellency which was accordingly prepared at the Table and read as followeth

May it Pleafe your Excell^{cy}

Your Excellency haveing been pleafed to Signifye in yo^r Meffage to the Houfe this day. that you have caufed Sever^l Depofitions concerning the bufinefs of *Nanzemond* being of confequence to the Peace of this his Majefties Government to be layd before this Houfe

To which The Houfe humbly take leave to anfwer, that before this Day the faid Depofitions were never laid before this Houfe as recomended by yo^r Excellency And therefore were not taken into Confideration but they being So recomended now, the houfe will take the Same into imediate Confideraçon and proceed therevpon

Ordered. That M^r *Cary*, M^r *Wilfon*, M^r *Duke*, M^r *Hollyday* M^r *Macon* and M^r *Rafcow* do forthwith wait on his Excellency and p^refent this Meffage

And being returned M^r *Cary* reported that they had p^refented the Said Meffage accordingly

A Meffage from the Council by M^r *Harrifon* who bro^t into the Houfe.

A Bill prohibiteing the Exportaçon of Corne, Wheat. Meal or Bifquet agreed to by the Council wth Amendments by them propofed And.

The Book of Publick Claimes agreed to by the Council wth One Amendm^t by them propofed w^{ch} was agreed to by the houfe & accordingly added in the Book of Claimes

The Houfe haveing taken into confideration the Bufinefs of *Nanfemond* recomended to the houfe by his Excellency as being of confequence to the peace of this his Majefties Government and the Depofitions relateing thereto being read and after Debate thereon

Ordered. That M^r *Leigh*, M^r *Corbin*, M^r *Rafcow*, M^r *Beverly* and M^r *Buckner* do confider the faid Depofitions and Sum^e vp the Same and report the heads thereof to the houfe to morrow Morning

A Meffage from the Council by M^r *Harrifon* who brought into the houfe *viz*^t

A Bill appointing a Comittee for the Revifall of the whole body of the Laws of this Country agreed to by the Council with Amendments—

A Bill for confirming Titles to Towne Lands agreed to by the Council with Amendments by them propofed And The Amendm^{ts} to the faid two Bills propofed by the Council being read were agreed to by the houfe And accordingly made in the faid two Bills—

Upon reading the Amendments in the houfe propofed by the Council to the Bill prohibiteing the Exportation of Corne, Wheat, Meal, or Bifcake the queftion being put That the Bill be agreed to with the Amendments and.

Paffed in the Affirmative

Resolved

Resolved that the said Bill be agreed to with the Amendm^{ts} proposed by the Council and the said Amendments were accordingly made in the Bill—

The House being informed That the Sheriff of *Nanfemond* and M^r *Godwin* and M^r *Milner* were desirous to have a Speedy determination of the difference between them relating to the Election in the said County the said persons attending at the Door were called into the House and did in the House declare their desires of haveing the said Differences determined without further Delay.

M^r *Loyd* moveing for leave of the house to goe home to his owne house upon Extraordinary Occasions leave was accordingly given him

M^r *Allerton* moveing the house for leave to go home to his owne house upon Extraordinary Occasions. Leave was accordingly given him

Ordered. That M^r *Mason*, M^r *Littleton* and M^r *Cock* do carrye A Bill appointing a Committee for Revifall of the whole body of the Laws &c And

A Bill prohibiteing the Exporta^{cion} of Indian Corne till the twenty fifth day of *December* 1700. And

The Book of Publick Claimes to the Council for their view That the Severall Amendments are made according as their hon^{rs} proposed. And then

The House adjourned till 3 Three a Clock in the afternoon

Post Meridiem.

Ordered That M^r *Custis* M^r *Holt*, M^r *Harrison*, M^r *Thorowgood* M^r *Talliaferro*, M^r *Littleton*, M^r *Hoe*, M^r *Robinson* M^r *Corbin* M^r *Cock*, M^r *Ballard* and M^r *Wilson* do attend his Excell^{cy} and present the Address of this House Setting forth these sev^l Resolutions of the house upon the Severall parts of his Excellencies Speech and the Instructions from their Excellencies the Lords Justices of *England* to his Excell^{cy} the Governour. And also vpon the Severall proceedings of his Excellencie in Council Since laid before this House And being returned.—

M^r *Custis* reported that they had attended his Excell^{cy} And presented the Address accordingly

M^r *Mason* reported that According to order. The persons appointed had waited vpon the Council and delivered them these two Bills viz^t

A Bill appointing a Committee for the Revifall of the whole body of the Laws &c and

A Bill prohibiteing the Exportation of Corne. And

The Book of Publick Claimes

M^r *James Cock* acquainted the house that Some of the Council were pleased to deliver him the said two Bills and Book of Publick Claimes which he delivered in at the Table being agreed to by the Council according to the Amendments.

The Amendments proposed by the Council to the Bill for confirming Titles to Towne Lands being read were agreed to by the house and accordingly made in the Bill

The House takeing into Consideration the matter relating to the Elections and returne of M^r *Thomas Godwin* Burgefs for *Nanfemond* County, M^r *Godwin* being withdrawne the Sheriff was brought into the house and M^r *Godwin* and M^r *Milner* the Complain^t and his Council being likewise called in, M^r *Speaker* acquainted them that the House was goeing to proceed to Examine and determine the said matter in which if they had any thing more to offer they might now do it, And therevpon haveing no new matter to alledge they were ordered to withdraw

And after a full Debate and Examination of all Evidences and other matters relating to the said Elections the House finding the Votes or Voices (qualified to Elect) for M^r *Milner* were Ninety three and the Votes or voices (qualified as aforesaid) for M^r *Godwin* were ninety One. Did therevpon

Resolve. That M^r *Thomas Milner* is duely Elect^d and returned Burgefs to Serve this Assembly for the County of *Nanfemond* And

Ordered That the Sheriff be brought into the house and amend his Returne by raseing out the name of *Thomas Godwin* and inserting the name of *Thomas Milner*

And

And the Sheriff was called in and Amended his Returne accordingly and being withdrawne

Ordered. That M^r *Thomas Godwin* and M^r *Thomas Milner* be acquainted with the resolutions of the house. And the House being informed they attended at the Door they were called into the house and being informed of the Resolution of the House M^r *Godwin* was ordered to withdraw and M^r *Milner* acquainted that he must take the Oathes appointed by Act of Parliament. &c And

Ordered. That the Sheriff be discharged out of Custody of the Messinger paying fees A Committee for Proportioning the Publick Levy

M^r *Miles Cary* Chairman

M^r *William Bassett*.....M^r *Gideon Macon*

M^r *Thomas Welburn*.....M^r *George Mason*

M^r *Alexand^r Swan*.....M^r *Alex^r Spence*

M^r *Henry Duke*.....M^r *Robert Beverly*

Ordered. That M^r *Wilson* M^r *Church* and M^r *Baughan* carry the Bill confirming Titles to Towne Lands to the Council for their view That the Amendments are made therein according to their Honours proposition

M^r *Custis* reported that the Persons to whom was referred an Address in the name of the Council and Burgeses of this Gen^l Assembly to his Excellency praying his Excellency for the future to restraine the Strikeing and killing of Whales had accordingly prepared the same which he read in his place and afterwards delivered the same in at the Table where being read (and approved by the House) as followeth

To his Excell^{cy} *Francis Nicholson Esq^r* his Majesties Lieutenant and Govern^r Gen^l of Virginia

The humble Address of the Council and Burgeses of this p^rsent General Assembly May it Please y^r Ex^{cy}

Wee the Council and Burgeses of this present Gen^l Assembly being Senceible of the Great Mischeifs and inconveniences that accrue to the Inhabitants of this his Majesties Colony and Dominion of *Virginia* by killing of Whales within the Capes thereof Doe in all humility take leave to represent the same unto your Excellency, and withall to acquaint you that by the meanes thereof great quantitys of fish are poisoned and Destroyed and the Rivers also are made noisome and Offensive. for prevention of which Evill in regard the restraint of killing of Whales is a Branch of his Majesties Royall Prerogative—

Wee humbly pray that yo^r Excell^{cy} will be pleased to Issue out a Proclamation forbiding all persons whatsoever to Strike or kill any Whales within the Bay of *Chopeack* in the Limitts of *Virginia* which wee hope will prove an effectuall meanes to prevent the many Evills that arise therefrom

Ordered. That the said Address be fairly ingrossed in Order to be Sent to the Council for their Concurrence thereto

Ordered That the Committee of Proposicons and Greivances do prepare and bring in a Bill ascertaining the Collector and Navall Officers fees

The Chairman of the Committee of Proposicons and Greivances being Sick

Ordered That the Committee have power to make choice of any other member of their Committee to be Chairman in his roome And

Then the House adjourned till Ten a Clock to morrow

Saturday June the 3^d 1699.

THE Certificate of *Richard Lee* and *William Bird Esq^s* two of the honorable Council, that they according to Comission from his Excellency had administred the Oathes appointed by Act of Parliament to be taken instead of the Oath's of Allegiance and Supremacy the Test & assotiacon appointed by Act of Parliament and the Oath of a Burges for this present General Assembly to M^r *Thomas Milner* Burges for *Nansemond* County was read And the said M^r *Milner* took his place accordingly.—

A Message from the Council by Mr *Harrison*

Mr *Speaker*

The Council have Commanded me to acquaint this House that they desire to have a further Conference wth Some Members of this House about the matters relating to the last Conference concerning Esq^r *Tom* and other Indians and desire it may be on *Monday* morning in the Great Hall and therevpon

Ordered. That the persons appointed to manage the said Conference do further Confer with the Council and attend at time and place accordingly.

Mr *Wilson* reported that according to the Order of the House the Persons appointed had waited on the Council and delivered the Bill confirming Titles to Towne Lands. & that their hon^{rs} were pleased to returne it by them to the House, Agreed to according to the Amendments which he delivered in at the Table

Mr *Speaker* acquainted the House that he had received from the Survey^{rs} by his Excell^{cy} Order a Platt for the Land laid out for a Towne, which he delivered in at the Table And the same being by the house viewed and considered and the heads of some particulars as Directions for the Committee to be added in the Bill agreed vpon

Ordered. That the said Platt and Directions be delivered to the Committee accordingly

Ordered That the persons that were appointed to prepare the Address to his Excellency praying his Excell^{cy} for the future to restrain the Strikeing or killing of Whales, Do carrye the Said Address to the Council, and desire their hon^{rs} will please to joyne with this house in the Said Address

Mr *Leigh* reported that the persons to whom was referred to consider and report the heads of the Depositions relating to the business of *Nansemond* had accordingly performed the same which he read in his place & afterwards delivered them in at the Table, where being read and the Depositions themselves duly weighed and considered And Mr *Thomas Milner* and Mr *Francis Milner* being wthdrawne

Resolved That an Answer in writing to his Excellencies Message relating to the business of *Nansemond* be prepared and presented to his Excell^{cy} which being accordingly done at the Table was read and agreed to by the House as followeth

To his Excellency Francis Nicholson Esq^r his Majesties Leiv^t and Govern^r Gen^l of Virginia

May it Please yo^r Excellencye.

The House of Burgesses upon consideration of the business of *Nansemond* recommended by yo^r Excellency to this House and the Depositions thereunto relating, are humbly of Opinion that by One Deposition, to wit, that of *Joseph Acheleys* words are mentioned to be Spoke by Maij^r *Thomas Godwin* which are scandalous and reflective upon yo^r Excell^{cy} And

That by the Depositions of *James Moore*, *Joseph Wright* and *Robert Horneing* words have been Spoke by *Andrew Rofs* which are seditious and highly Scandalous against yo^r Excell^{cy} the Government, and his Majesties Royall Colledge here. and therefore humbly represent to your Excellencie That the said offenders may be proceeded against by the Attorney Gen^l as to yo^r Excellencies Wisdome shall Seem meet and their Severall Crimes shall deserve.

And this House further represent that vpon Examinacon of the whole matter relating to Cap^t *Thomas Jordan* Sherrieff They are humbly of Opinion, That the said Sherrieff hath faithfully modestly and impartially behaved himself at the Election And by any thing that hath appeared to this House not guilty of any reflection vpon yo^r Excellencye or the Government

Ordered That Mr *Leigh* Mr *Harrison* Mr *Wilson* Mr *Bolling* Mr *Giles* and Mr *Church* do carrye the said Message and present the Same to his Excellency.

The House vpon Examinacon of the Depositions relating to the business of *Nansemond* do find by the Deposition of *John Stalling* That Mr *Thomas Godwin* Jun^r Spoke Some words which reflected vpon the House of Burgesses. but when he was a Member

of

of this house, haveing acknowledged his Error and prayed pardon of the House for the Same it is therevpon

Ordered. That he be Excused for the words Spoke as aforefaid.

Mr *Buffit* has vpon his motion leave given him to goe to his owne house upon Extraordinary Occasions and

Ordered. He attend the Service of the House on *Monday* next And

Then the house adjourned till *Monday* Ten a Clock

Monday June the 5th 1699.

MR *Custis* reported that the persons appointed had waited on the Council with the Address to his Excellency praying his Excellency for the future to re-straine the Strikeing and killing of Whales, and desire their hon^{rs} would please to joyne with this House in the Said Address—

Mr *Leigh* reported that the persons appointed according to Order had attended his Excellency and presented the message in writeing relateing to the business of *Nansemond*.

Mr *Custis* reported that the Members appointed had according to Order attended the Conference and after a Debate vpon the Subject matter of the said Conference the Council were pleased to deliver their hon^{rs} resolutions upon the Same in writeing which he presented in at the Table where the same were read and agreed to by the house as followeth

Fryday June the Second 1699

By the Council

The Council entred into Debate upon the Subject matter of the Conference with the Burgeesses concerning Severall Offences and Crimes comitted by the Indian called *Esq^{re} Tom* and for as much as it is not certainly known whether the said Indian is to be found, or whether he is within this Government or not and by the Informaçon of the persons appointed to goe to the *Piscattaway* Indians to inquire for the said Indian *Tom* it appears that the said *Piscattaway* Indians are settled in an Island in *Potomeck* River about Seventy miles above any *English* Inhabitants, and by the informaçon of Such persons as inhabite, and are most knowing and best acquainted with the affaires of that part of the Country It is manifest that the Islands in *Potomack* River are reputed to belong to the Province of *Maryland* therefore the Council are of Opinion. that it is not at present convenient to send to the *Piscattaway* Indians to demand the said Indian *Tom* (especially Since it is not certainly apparent that he is harboured by them) but forasmuch as it is of great Import to the peace and quiet of this his Majesties Government that the said Indian be brought to condign Punishment for those notorious Crimes whereof he is guilty.

Resolved. That it is for the Service of his Majesty and of this his Colony and Dominion that a Proclamation do Issue requiring all persons whatsoever to apprehend the said Indian *Tom* if he shall at any time be found within this Governm^t And the better to encourage all persons to do their duty therein that a Reward of Ten pounds *Sterl.* be given to any Such person or persons Christians or Heathens as shall apprehend the said Indian *Tom* and bring him or cause him to be brought before any of his Majest^y Justices of the Peace in this his Colony and Dominion that he may be proceeded against according to Law. And

Ordered, That a Proclamation be prepared accordingly

Resolved. That it is for the Service of his Majesty and of this his Colony and Dominion that intimation of the notorious Crimes committed by the said Indian *Tom* be given to his Majesties Captain Gen^l and Govern^r in Chief of his Province of *Maryland*. And that he be requested and desired to take Such Lawfull methods as to him shall be thought requisite for the apprehending of the said Indian *Tom* if he is or shall be within his Government And if he shall be found there that he may be delivered vp to the Government of this

this his Majestys Colony and Dominion in order to his being brought to Justice and Punished according to the Demeritts of his Crimes

A Message from the Council by M^r *Harrison*.

M^r *Speaker*

The Committee that was appointed to Settle the Claimes and Titles to land in *Pamunkey* Neck and on the the South Side of the *Black water* Swamp, have agreed vpon Severall resolutions which they have reported to the Council and the Council have considered the same and agreed therevnto and have Sent the said Report to the house & desire their Concurrence therevnto

The House being informed that the Messenger attended at the Door with the Sheriff of *Westmerland* County

Ordered That the said Sheriffe be brought into the House, and the Sherrieff was brought in accordingly and acknowledged that his Sub sherrieff had attached part of the Estate of M^r *Corbin*. but made it manifestly appear that he nor his said Sub sherrieff knew the said M^r *Corbin* was Elected a Burgeiss when the Attachm^t was Served and also affirmed to the house that the Said proceedings were Suspended.

Ordered therevpon That the said Sherrieff be discharged out of the Custody of the Messinger

M^r *Cary* reported from the Committee for proportioning the Publick Levy that the said Committee had according to Order. Proporconed the Same which amounted to nineteen pounds of Tobacco to be paid by every Tythable person in the Country, and that there remained a Deposito in *Ann* County of fifteen hundred forty Eight pounds of Tobacco which Deposito the house have in the p^rporcons of that County proposed that it be allowed to M^r *John Chiles* the Messenger of y^e house for his Extraordinary Service

Ordered. That the Survey^{rs} appointed to Survey and lay out the land on which to build the Capitol and Towne do compleat and finish the whole work and then Exhibite their Acco^{ts} to the Committee appointed for Revissall of the whole Body of the Lawes of this Country And that the Said Committee do adjust the Same and order payment out of the moneys which shall hereafter come to the hands of the Treasurer of this Dominion from the Impoficon vpon Liquors—

Co^{ll} *Ludwell* from the Committee to whom was committed for Amendments the Bill directing the building the Capitol and the City of *Williamsburg* &c Reported that the said Committee had agreed vpon the said Amendments and had directed him to report the Same and accordingly delivered the Same in at the Table where the said Amendments were twice read and agreed to by the house And

Ordered. That the said Bill be with the Amendments Ingrossed and read a third time

Co^{ll} *Ludwell* also from the Committee to whom was referred to p^rpare and bring in a Bill ascertaining Collectors & Navall Officers fees reported that the said Com^{tee} had accordingly prepared the same and delivered it in at the Table where the same were read the first time and Ordered a Second reading—

A Bill for raising a Publick Levy read the first time and Ordered a Second reading—

A Bill for raising a Publick Levy read a Second time and ordered the said Bill be ingrossed and read a third time

The House haveing received from the Hon^{ble} Council the Report of the Committee appointed to Consider and Settle the Disputes and Controversies concerning Claimes and Titles to lands in *Pamunkey* Neck and on the South side *Blackwater* Swamp with the resolutions of the said Committee agreed vpon together with the Councils Concurrence therevnto which were read and agreed to by the house and.

Ordered. That M^r *Harrison* M^r *Talliaferro* M^r *Baughan* and M^r *Hoe* do returne the said report of the Committee to the Council and acquaint their hon^{rs} wth the houses Concurrence therevnto. And then

The House adjourned till to morrow morning Six a Clock.

Tuesday

Tuesday June the Sixth 1699.

MR *Harrison* reported that the persons appointed had according to order waited vpon the Council and returned the report of the Committee appointed to consider and Settle the Disputes and Controversies concerning Claimes and Titles to Lands in *Pamunkey Neck* and on the South side *Blackwater Swamp* and acquainted their Hon^{rs} with the Concurrence of this House to the Same

A Bill ascertaining Collectors and Navall Officers fees read a Second time and.

Resolved. That the said Bill be committed for Amendments to the Committee of the whole house And.

Accordingly the house forthwith resolved itself into a Committee of the whole house to take into consideration the Amendments to the said Bill And Mr *Speaker* left the Chaire where having Spent Some time Mr *Speaker* resumed the Chaire and Mr *Custis* acquainted the house that the said Committee had agreed vpon the Amendments of the said Bill and had directed him to report the same which he read in his place And then delivered the said Bill with the Amendments in at the Table where the said Amendm^{ts} were twice read and agreed to by the house And.

Ordered that the said Bill with the Amendments be Ingrossed and read a third time

A Message from the Council by Mr *Harrison*

Mr *Speaker*

The Council have read over the Draught of the Address to his Excellency relating to the restraining the killing of Whales and that they may be the better Enabled to draw vp Such address as may be Suitable for them to joine with this House, they desire that the House will appoint two of the Members of the House to joine with One of their Members to consider and draw the said Address, And.

Ordered That Mr *Custis* and Mr *Robinson* be appointed to Joine with one of the Council to consider of the said Address and report the Same accordingly

An Ingrossed Bill, directing the building the Capitol and the City of *Williamsburg* &c being read the third time

Resolved The said Bill do passe

Mr *Beverley* moveing the House upon Extrordinary Occasion for leave to goe to his owne house Leave was accordingly given him

Mr *Custis* reports that according to the Order of the house himself and the person appointed had waited on One of the Council and considered the address to his Excellency relating to the restraining the killing of Whales and that they had agreed to Some amendments to be made in the Address which being read were agreed to by the house and accordingly made in the said Address.

The Proportions of the Publick levy being read, the house agreed to the Same and finding a Deposito in the last Publick Levy in *Princes Anne County* w^{ch} was omitted to be disposed of in this present Levye.

Ordered. That the same being four Thousand two hundred ninety three Pounds of Tobacco do still lye in Deposito untill the next meeting of the Assembly—

An Ingrossed Bill for raising a Publick Levy being read the third time—

Resolved that the said Bill do pass—

Ordered. That Mr *Cary*, Mr *Bassett*, and Mr *Wilson* waite vpon the late Mr *Treasurer Bird* and acquaint him that the house Expects an Account of what money is come to his hands vpon the late Law laying an Imposition vpon Liquors and being returned—

Mr *Cary* reported that they had accordingly waited on the late Mr *Treasurer Bird* and had received from him Account of the said Imposition Ending the fifteenth of May 1699 Upon which the Ballance of the said Acco^t due from the said late Treasurer is £5:15:11 ½

An Ingrossed Bill ascertaining Collectors and Navall Officers fees read the third time And.

Resolved The said Bill do passe

Resolved

Resolved That an Address be drawne to his Majestye And

Ordered. That the Committee of propoſitions and Greivances do prepare and bring in a congratulatory Address to his Ma^{tie} for the happy Succes of his Armes and the Glorious and Joyfull Peace (through the bleſſing of Almighty God and his great Courage and good Conduct) now Enjoyed by all *Europe*

Ordered That Coll *Ludwell* Mr *Cary* Mr *Lee* Mr *Cuſtis* Mr *Baffett* Mr *Bolling*, Mr *Wilson*, Mr *Talliaferro* Mr *Kenner* Mr *Hoe*, Mr *Thomas Cook* Mr *Swan* and Mr *Buckner* do carrye the propoſitions of the public Levy. And.

A Bill directing the building the Capitol and City of *Williamsburg* and.

A Bill aſſertaining Collect^{rs} and Navall officers fees and

A Bill for raiſeing a Publick Levye.

And deſire their hon^{rs} Concurrence therevnto

Ordered. That the Severall perſons imployed about the Survey. of the Land on which to build the Capitol and City of *Williamsburg* be paid five pounds and three pence *Sterling* by the late Mr *Treaſurer Bird* out of the moneys in his hand from the Impoſition vpon Liquors—

Ordered. That the late Mr *Treaſurer Bird* pay to Mr *Robert Beverly* the remaind^r of the money in his hands from the Impoſition upon liquors being fifteen ſhill^s and Eight pence halfe penny *Sterling*—

The Propoſition of Mr *Humphrey Higginſon* referred by the Council to this houſe relateing to the Manufacture of flax &c is by the Houſe recomended to the Committee appointed for the Reviſall of the whole Body of the Laws And then

The Houſe adjourned till Six a Clock in the afternoon

Post Meridiem

A Meſſage from his Excellency ꝑ Mr *Harrifon*

Mr *Speaker*

His Excellen^{cy} Commands the imediate Attendance of this Houſe in the great hall And

The Houſe went downe and attended his Excellency accordingly

And being returned

Mr *Speaker* reported to the beſt of his Memory that his Excellen^{cy} was pleaſed to Say to this effect.

That he had laid the addreſs Setting forth the Reſolu^{ti}ons of the houſe upon the ſeverall parts of the Inſtruc^{ti}on from their Excellen^{cies} the Lords Juſtices of *England* before his Majeſties Council, and that they very well approved the Same and for the kind Expreſſions therein relateing to himſelf he returned the houſe Thanks And.

Was pleaſed to Signifie that he had alwaies given the Country a good Charecter as inhabited by perſons that were Lovers of Monarchy and the Church of *England* by Law Eſtabliſhed and hoped they would alwaies deſerve the ſame. And that he ſhould ever make it his Endeavours to Serve the Country in Generall and in perticular the Severall Members of the Houſe of Burgeſſes.

And was pleaſed to take notice that in One part of the ſaid Addreſs the houſe were of Opinion that the Bills laying Impoſitions upon Servants and Slaves and Liquors would raiſe money enough to anſwer the Ends for which it was deſigned, but he being doubtfull that money would not be raiſed timely enough to anſwer as occaſion might require, Wiſhed the houſe could find a way to raiſe Something more—

He was alſo pleaſed to ſay he had received from the Houſe a Scandalous and Seditious Libell, w^{ch} now was confeſt by Mr *Gray* who had acknowledged his Crime & Submitt^d himſelf upon which he was willing to pardon and remitt the Same, as to what related to his Majeſty and himſelf; And that the Council were inclineable ſo to do, but in regard it came from the Houſe Hee thought fit to recomend it for their Conſideration

He alſo wiſhed the Perſons of *Nanſemond* had done ſo to and was glad the Sheriff had deſerved So good a Charector from the Houſe. he being not deſirous to puniſh where it might juſtly be avoided.

He

He also was pleased to intimate that he had received a Bill from the House appointing a Treasurer And did recommend to the house the Consideration of drawing the forme of Bonds that might be Sufficient to answer the Ends of the said Bills and was pleased to deliver to Mr *Speaker* a Charter granted by King *Charles* the Second that it might be entered in the Records belonging to the House as being of Concern to the Country

A Message from the Council by Mr *Harrison* who brought in the Propositions of the Publick Levy agreed to by the Council

A Bill for Lessning the Levye by the Poll and laying an Imposition vpon Liquors for and towards the building the Capitol and the City of *Williamsburg* &c. agreed to by the Council without Amendments

A Bill appointing a Treasurer agreed to by the Council with Amendments and a Clause to be added thereunto by them proposed the Amendments and Clause being read the house agreed to the said Amendments and Clause. in case Amendments be made in the said Clause And

Ordered. That Mr *Leigh* Mr *Harrison* and Mr *Kenner* do carrye the said Bill to the Council for Amendments in the said Clause and desire their Hon^{rs} Concurrence thereunto And.

A Message from the Council by Mr *Harrison* who brought in a Bill laying an Imposition vpon Servants and Slaves imported into this Country towards the Building the Capitol agreed to by the Council with Amendments which being read were agreed to by the house And accordingly the Amendments were made in the Bill And

Ordered. That Mr *Leigh* and the persons appointed to carrye the Bill appointing a Treasurer do likewise carrye this Bill to the Council for their view that Amendments are made according to their Hon^{rs} propositions And being returned

Mr *Leigh* reported that according to order the persons appointed had waited on the Council and acquainted them that the House agreed to the Amendments in the Bill appointing a Treasurer in case of Amendm^{ts} in the Clause by their hon^{rs} proposed to be added And That the house had agreed to the Amendments in the Bill laying an Imposition upon Servants and Slaves imported into this Country and made them in the Bill according to their Hon^{rs} propositions And

That the Council had returned the said Bill agreed to according to the Amendments

Mr *Custis* reported that according to order the persons appointed had waited vpon the Council with the Address to his Excellency relating to the restraining and killing of Whales and that their Hon^{rs} were pleased immediately to deliver the said Address to his Excellency who was please[d] to say he would take Care of it

Ordered That the Treasurer of this Dominion do pay to M^{rs} *Rachel Sherwood* Eighty pounds *Sterling* out of the moneys which shall hereafter come to his hands from the Imposition vpon Liquors—

Ordered. That the Treasurer of this Dominion do pay to Mr *Robert Beverly* fourteen shillings three pence halfpenny *Sterl.* out of the moneys which shall hereafter come to his hands from the Imposition vpon liquors.

Ordered. That the Treasurer of this Dominion do pay vnto *John Tillut* fifty pounds *Sterl* out of the moneys which shall hereafter come to his hands from the Imposition vpon Liquors

Ordered That the Treasur^r of this Dominion do pay to Mr *Cope Doyly* three pounds Six Shillings Eight pence *Sterl.* out of the moneys which shall hereafter come to his hands from the Imposition upon Liquors.

Ordered That the Treasurer of this Dominion do pay to Mr *Perrigrin Cony* twenty pounds *Sterl.* of the moneys which shall hereafter come to his hands from the Imposition vpon liquors.

Wednesday

Wednesday June the 7th 1699.

A MESSAGE from the Council by M^r *Harrison* who brought in these five Bills viz^t
 A Bill appointing a Treasurer with Amendments p^oposed by the Council
 and a Clause to be added thereto, agreed to by the House in case of Amend-
 ments to the said Clause And the said Amendments to the Clause were agreed
 to by the Council according as p^oposed by the House and therevpon the Amendments
 were made in the Bill

A Bill appointing the Building the Capitol and the City of *Williamsburg* agreed
 to by the Council wth Amendm^{ts} and the said Amendments being read were agreed
 to by the house and accordingly made in the Bill

A Bill ascertaining Collect^{rs} and Navall Officers fees agreed to by the Council with-
 out Amendments

A Bill for raising a Publick Levy agreed to by the Council without Amendments.

A Bill ascertaining the rate and Value money Shall pass at disagreed to by the Council
 and their proceedings therevpon brought into the House with the Bill w^{ch} were read
 as followeth

Thursday June the first 1699

By the Council

Richard Lee Esq^r from the Committee to whom an Ingrossed Bill from the Burgeses
 Intituled A Bill for ascertaining the rate and value money shall pass at was Comitted
 for Amendments Reported certaine Amendments by them made to the said Bill which
 were read.

And the Council entred vpon the Considera^{on} and Debate of the said Bill, the
 Subject matter whereof being of very great importance to this his Majesties Colony and
 Dominion, And the ascertaining the Standard and value of Coin in all nations and
 Countrys being alwaies Esteemed as the greatest and most intricate difficultys of their
 States and Governments. And requiring the most deliberate considera^{on} and the
 best Advice and Assistance that can possibly be procured therefore they are of Opinion
 that it may be better and more advantgiously performed by the Com^{tee} appointed for
 the Revifall of the Laws wherevpon

Resolved That the said Bill is not agreed to

Resolved. That an Instruction be given to the Committee appointed for the Revifall
 of the Laws. that they consider of the Safest best and most Expedient Avantagious
 and Equall waies and meanes for the makeing of money more Currant and passable in
 this his Majesties Colony and Dominion and prepare a Bill accordingly

These proceedings relateing to the said Bill ascertaining the rate and value money
 shall pass at were agreed to by the House And.

Resolved That it be recommended to the Committee appointed for Revifall of the Laws
 to prepare a Bill accordingly

M^r *Samuell Gray* having by his Petition to this House humbly acknowledged his
 Crime in Composeing a Scandalous and Seditious Libell, and directing the same to the
 Speaker of the House and Praying pardon for the said Offence

Ordered That the Said Offence be remitted and the said M^r *Gray* Pardoned and
 Excused from the same So far as related to the House, and that he be by the house re-
 commend^d to his Ex^{ty} for his Excellencies further mercy as in his wisdom shall Seem meet
 And

Ordered That M^r *Custis*, M^r *Mason*, M^r *Godfrey* and M^r *Giles* do forthwith attend
 his Excellencye and humbly informe him of the Opinion of this House therein

M^r *Cary* from the Committee of Claimes to whom was referred to p^opare the forme
 of Bonds Reported that the said Committee had accordingly agreed vpon the forme
 and prepared two Bonds viz^t A Bond to be Signed by the Treasurer of this Dominion
 and One other Bond to be Signed by the Collectors of his Maj^{ty}s Customes ariseing by
 the Act made this Assembly Entituled *An Act Lessning the Levy by the Poll and laying*

an Impoficon vpon Liquors &c And the Act likewife made this Affembly Entituled *an Ad laying an Impoficon vpon Servants and Slaves imported into this Country &c* And the faid Bonds were read and agreed to by the Houfe

Mr *Cuftis* reported that according to the Order of the Houfe the perfons appointed had attended his Excellency and humbly acquainted him with the Opinion of this Houfe relating to Mr *Samuel Gray*

Ordered That Mr *Buckner*, Mr *Cock*, and Mr *Talliaferro* do carrye the Bill appointing the building the Capitol and the City of *Williamsburg* And

The Bill appointing a Treafurer

To the Council for their View that the Amendments were made in the Said Bills according to their Hon^{rs} Propofitions And being returned

Mr *Buckner* reported that they had accordingly carryed the faid Bills and that their Hon^{rs} were pleafed to returne the Bills to the Houfe by them agreed to. according to the Amendments.

Mr *Leigh*. From the Committee of Propofitions & Greivances to whom was referred to prepare and bring in an Addrefs to his Majefty prefented the Same at the Table where being read as followeth.

To the K^s moft Excell^t Maij^{ties}

Wee yo^r Majefties moft Loyal and Obed^t Subjects the Burgeffes of the Gen^l Affembly in yo^r Majefties moft antient and great Colony and Dominion of *Virginia* now affembled do humbly Embrace this Occafion, In the firft place to congratulate yo^r Majefties Safe and happy Returne to y^r Kingdome of *England* having firft purchafed and Secured through yo^r owne Perfonal valour Conduct & prudence a Glorious Hon^{ble} and Setled Peace not only to Chriftendome but even by meanes of yo^r Wifdome and Mediation between his Imperiall Majefty and the Grand Seignior to the very *Turks* and Infidells by which Yo^r Majefty had Eminently appeared to be the Sole and Great Arbiter both of Warr & Peace in the largeft part of the knowne world to accomplifh which you have not Spared to Expofe yo^r owne Sacred precious and Royall perfon to the greateft hazards and moft Eminent dangers in w^{ch} yo^r Majefty had no other End then the p^rfervation & defence of the true Proteftant Religion and the Liberty and Propertys of *Europe* This Great Sir Altho' We live So remote we are not ignorant of, and long ere' this we fhould have Expreft our Sence of the fame by an humble Addrefs to yo^r moft facred Majefty had we bin in a Capacity of doing it as a Houfe of Burgeffes. In the next place we think our Selves obliged in Duty to yo^r Majefty in all humility to Exprefs our Deep Sence and to make a gratefull Acknowledgment of yo^r many Royall favours and Bountys from time to time beftowed vpon this yo^r antient and great Colony and Dominion in Generall and vpon yo^r Royall Colledge of *William and Mary* in particular and humbly to begg the continuance of yo^r Royall Grace favour and protection to us and it We alfo acknowledge it our higheft Duty to yo^r Majefty to returne o^r humble and unfeigned Thanks to the Almighty God for the prefervation and Continuance of yo^r Life and health, and it fhall be our dayly prayers that yo^r Majefty may have a long and happy Reigne over all your Kingdomes and Dominions— And may all yo^r Loyal Subjects forever bear in mind the Ineftimable benefits they have received from yo^r Majefty who have (und^r God) been the Maine Bulwark and Defence of our Religion Laws and Libertys And as it hath alwaies been the happinefs of this Dominion to deferue the Charect^r of Loyal and Dutifull Subjects So at this time we take leave in moft humble maⁿer to affure yo^r Majeftie We will continue So to our Lives End

was agreed to by the Houfe and ordered to be fairly Ingroffed and prefented by the Clerk to the Houfe

Ordered. That Mr *Corbin* Mr *Holt* and Mr *Church* do carrye the Severall orders paffed this Affembly for the payments of money's to the feveral perfons in the faid Orders menconed to the Council for their Concurrence and being returned Mr *Corbin* acquainted the Houfe they had delivered the faid orders to the Council accordingly and the faid Orders were returned agreed to by the Council And

Then the Houfe adjourned till afternoon Six a Clock

Post Meridiem

The Clerk according to Order presented the Address to his Majesty fairly Ingrossed which was read.

And being Signed by Mr *Speaker* in behalf of the house

Resolved. That the said Address be carried to his Excellency by the whole House and that Mr *Speaker* in behalf of the house humbly move his Excellency that he will please to assist the house in getting the Same presented to his Majesty

Ordered That Mr *Cary*, Mr *Armistead*, Mr *Buckner* and Mr *Milner* do wait on his Excellency and acquaint him that the house have prepared a Congratulatory Address to his Majesty. and pray his Excellency will please to assigne a time and admitt the house to attend him therewith

And being returned Mr *Cary* acquainted the House that his Excellency was pleased to assigne this Evening for the house to attend him with the said Address to his Majesty And

Resolved. That Mr *Speaker* and the whole house do forthwith waite vpon his Excellency with the Address to his Majesty and Mr *Speaker* and the whole House went downe and attended his Excellency accordingly

Ordered. That Mr *Leigh*, Mr *Rascow*, Mr *Giles* and Mr *Robinson* Examine the Several Bills which are inrolled to the End they may with all convenient Speed be sent to the Council for their Perusal

Ordered. That Mr *Cary* carrye the Bonds agreed vpon by this House for Mr *Treasurer* and the Collectors to Signe to the Council for their approbation And

Then the House adjourned till to morrow nine a Clock

Thursday June the Eighth 1699.

MR *Leigh* reported that the Committee appointed had Examined the Inrolled Bills and that the same do truly agree with the Ingrossed Bills

Ordered. That Mr *Leigh* and Mr *Cary* carrye both the Inrolled Bills and the Ingrossed Bills to the Council for their Examinations and Perusal

A Message from his Excellency to Mr *Harrison*

Mr *Speaker.*

His Excellency and Council have agreed vpon a Proclamation for a Publick Day of Thanks Giving and have Sent it to this House for their Approbation and Mr *Harrison* delivered the same in at the Table And.

The said Proclamation was read approved by the House and

Ordered. That Mr *Wilson* and Mr *Basset* do attend his Excellency and carry the said Proclamation and acquaint his Excellency the House approves of the same And being returned

Mr *Wilson* acquainted the House that they had accordingly delivered the said Proclamation to his Excellency

Ordered That Mr *Cary*, Mr *Custis* Mr *Bassett*, Mr *Corbin* Mr *Duke* Mr *Mason*, Mr *Rascow*, Mr *Holt*, Mr *Armistead* Mr *Dudley* Mr *Kenner* and Mr *Talliaferro* forthwith waite vpon his Excellency and acquaint him that there is now nothing before the House And that the house is ready to attend his Excellencies further Commands

And being returned Mr *Cary* reported That according to Order they had delivered the message of the House to his Excellency

A Message from his Excellency by Mr *Harrison*

Mr *Speaker*

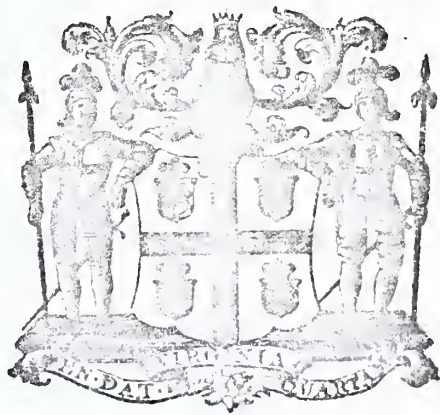
His Excellency Commands the Immediate Attendance of this House on him in Council in the Great Hall And

He likewise commands this House to bring with them the Inrollment of such Bills as the House have agreed vpon

And accordingly the House went to attend his Excellency and carryed the Inrolled Bills to his Excellency

203-204

JOURNALL
OF THE
HOUSE OF BURGESSES
AT A
GENERALL ASSEMBLY
1700



RICHMOND, VIRGINIA.

MCMXIII

JOURNALL

of the

HOUSE OF BURGESSES

Thursday December y^e 5th 1700.

DIVERS Burgeses to the number of twenty Eight having taken the Oathes appointed by Act of Parliament to be taken instead of the Oathes of Allegiance and Supremacy the Test and Signed the Affotiation and taken the Oath of a Burgeses which was administred to them by *Edmund Jenings John Lightfoot* and *Robert Carter Esq^r* three of his Maij^{ty} Council Commissionated by his Excellency the Govern^r for that purpose mett in the hall of the Colledge being the place appointed for the Burgeses to sit in

William Randolph gent. Clerk of the House of Burgeses by Cornission from his Excell^y the Govern^r took the Oathes appointed by Act of Parliament to be taken instead of the Oathes of Allegiance and Supremacy the Test and Signed the Affotiation and took the Oath of a Clerk to the House of Burgeses which was administred to him by *Edmund Jenings John Lightfoot* and *Robert Carter Esq^r* three of his Majest^{ty} Council Commissionated by his Excell^y the Govern^r for that purpose

And then the Burgeses agreed to meet againe to morrow morning nine a Clock

Fryday Decemb^r the 6th 1700

MR *Cary, M^r Beverley, M^r Leigh, M^r Corbin M^r Tayloe. M^r Harrison, M^r Ballard. M^r Kenner and M^r Cook* were desired forthwith to Attend his Excell^y And to acquaint him that the Burgeses were mett and waited his Excell^s Commands.

And being returned M^r *Cary* made report that they had delivered the said message to his Excell^y and that he was pleased to say He would send to the House.

A message from his Excell^y by M^r *Wright*

Gent^l.

I am commanded by his Excell^y to acquaint you That his Indisposi^{con} is such at p^rsent that he cannot come to the Court House and therefore Commands the imediate Attend^{ce} of every Member here in his Bed Chamber That he may Communicate to you Such things as are requisite.

And accordingly the Burgeses went and attended his Excell^y in his Bed Chamber and his Excell^y was pleased to say to this Effect

Gent^l.

I am taken so very ill that I could not come to the Colledge, otherwise would not have given you this Trouble. What I have at present to recommend to you is. That you proceed to chuse yo^r Speaker imediate^{ly} Or adjourne your selves as has been vsuall and Customary

And thereupon the Burgeses being returned after Some time spent agreed to adjourne

And accordingly Did adjourne til tomorrow morning nine a Clock

Saturday

Saturday Decemb^r the 7th 1700

THE Certificate of the Hon^{ble} *Edmund Jenings* and *Robert Carter Esq^r* That they had administred the Oathes appointed by Act of Parliment to be taken instead of the Oathes of allegiance and Supremacy the Test and Affiotiation appointed by Act of Parliment and the Oath of a Burgefs of this p^rsent Gen^{tl} Affembly to M^r *Alexander Spence* M^r *James Westcomb* and M^r *William ffitchugh* was delivered in at the table and every of them appeared and took his place

A Message from his Excell^y by M^r *Wright*

Gent^{ls}

I came only from his Excell^y to acquaint you That the respect and kindness which his Excell^y beares to this House is such that he presents the House with a Gown to be worn by M^r *Speaker* when you have Elected and chosen such a one hee also presents you with a Staff or Mace to be borne before M^r *Speaker* after he is confirmed by his Excell^y (as an Ensigne and Token of Hon^r and power) by one who is to be Commissionat^d to that Office—I am also further Commanded to signifye to this House that his Excell^y doth not in the least doubt yo^r Candid acceptance of what he so Frankly and generously Offers.

Then the House taking into consideration his Excell^{ys} Commands Yesterday relating to the Chuseing A Speaker did proceed to the Choice and after the nomination of three persons and some time Spent therein Did chuse M^r *Peter Beverley* for their Speaker who being by two Members conducted and placed in the Chaire Did from thence arise and make a Speech to disabie himself to this Effect

Gentlemen.

Being best acquainted with my owne Infirmitys I think it not just to receive this Testmony of yo^r Affections without letting you know That It is my Opinion there are many Worthy Members here p^rsent capable of doeing you far greater Service in yo^r Chaire then my weak abilitys will reach. This I hope will prove a Motive to divert yo^r Inclinations and p^rvaile with you to recede from yo^r first Inten^{co}ns I acknowledge it a Sufficient Hon^r that you have named me in this matter And because the due p^rformance of the work of a Speaker greatly concerns yo^r Hon^r and the Interest of the Publick I pray you will be pleased to wave me and to proceed to the choice of another person more propper to Sit in yo^r Chaire and better accomplished for the weighty work pertaining to it

But his Excuses being disallowed by the House he proceeded in the Chair to this effect

Gentlemen.

My reasons not proveing prevalent to alter yo^r Choice it behoves me not to prefs you farther but greatfully to accept and acknowledge yo^r favours. I'll assure you I take them with a Resolution to study your Service and to discharge my duty with Integrity and faithfullness. As for such vnwilling Slips as I may happen to make in the management thro' my owne weakness or inadvertencie I doubt not of yo^r Goodness and Assistance to pardon and correct. It is that confidence which now Supports my Spiritts and the Experience will keep me alwaies chearfull in the greatest difficultys of this place given by yo^r favor and held at yo^r pleasure.

M^r *Cary*, M^r *Lee*, M^r *Corbin*, M^r *Ballard*, M^r *Wilson* M^r *Harrison* M^r *Tayloe* M^r *Kenner* M^r *Applewait* M^r *ffoster*, M^r *Taylor* and M^r *William Cary* were desired forthwith to attend his Excell^y and acquaint him That the House had made Choice of a Speaker and to know his Excell^{ys} Pleasure when the House shall wait vpon his Excell^y to present him.

And being returned M^r *Cary* acquainted the House they had according to the Commands of the House waited on his Excell^y and delivered the said Message And his Excell^y was pleased to say he would send to the House.

A Message from his Excell^y by M^r Wright
Gentl.

His Excell^y understands by a late message That This House has made choice of a Speaker but in regard there are but few of the Council in Towne and it is now *Saturday* late in the afternoon, his [he] is pleased to defer^r presenting the Speaker vntil *Monday* morning.

And then the House adjourned vntil *Monday* morning tenn a Clock.

Monday Decemb^r y^e 9th 1700.

A MESSAGE from his Excell^y by M^r Wright
Gentl.

Whereas by ord^r and appointment of his Excell^y the presenting yo^r Speaker was deferred vntil this day. I now *Gentl.* am appointed to acquaint this House That the imediate Attend^{ce} of this House is Expected on his Excell^y in his Bed Chamber to the end y^r Speaker may receive Confirmacon

And accordingly the House went and attended his Excellency.

And being returned M^r Speaker acquaint^d the House to this Effect That he had humbly represented to his Excellency. That the House had been pleased to make choice of him for their Speaker which was by his Excell^y allowed. And that thereupon he Supplicated his Excellency that none of his failings thro' weaknes or Inadvertencye might redound to the p^rjudice of the Members of the House or any One of them And in the name of the Burgeffes according to his bounden duty made Claime by humble Petition That all the antient Rights and Priviledges of the Burgeffes may be Continued to this Assembly. That they and their Servants in their persons and Estates may be free from Arrests and other Disturbances. That in all their Debates they may have freedom and Liberty of Speech and as occasion requires Access to his Excell^y Person.

And that his Excell^y was pleased to say to this Effect. That all the antient Priviledges should be continued to the House and Enlarged if it were in his power And.

That after that his Excell^y was pleased to make a Speech. the heads whereof M^r Speaker reported to the House according to the best of his Remembrance and delivered at the Table three papers given him by his Excell^y viz^t

A Copy of his Majest^y Letter relateing to the Marq^s D' La Muce and other french Protestant Refugees.

A Letter from the Lords relateing to the same and other matters And

A Letter from the Lords relateing to the building of a House for the Govern^r of this Colony to live in

All which being read by the Clerk.

Ordered. That every of the said Lett^{rs} lye upon the Table

The Petition of *Edward Rofs* praying to bee admitted to the place of Mace bearer referred to the House by his Excell^y and Council being read And also the petition of *John Chiles* Setting forth that he had a Commission to be Messinger of the House, after some debate thereupon

Resolved. That It is the Opinion of this House that One person may Execute both the Offices of Mace bearer and Messinger

Resolved. That an Addres be prepared to render his Excell^y the humble Thanks of the House for the favour of the Gown and Mace his Excell^y has been pleased to present the House withall and to pray his Excell^y to Commisionate such person as he shall think fitt to perform the duty of Mace bearer and Messinger.

Ordered. That M^r Cary M^r Corbin. M^r Harrison M^r Tayloz and M^r Leigh forthwith withdraw and p^rpare an Addres accordingly.

And they being withdrawne some time and returned

M^r Cary reported That they had agreed upon an Addres which he read in his place and then delivered it in at the Table where being againe read as follows

*To his Excell^y Francis Nicholſon Eſq^r his Maj^{ty} Leiv^t and Govern^r Gen^l of Virginia
The humble Addreſs of the Houſe of Burgeſſ^s*

May it pleaſe yo^r Excell^y

The Houſe of Burgeſſes having this Aſſembly received an Extraordinary mark of yo^r Excellency's favour in the hono^r you have done them in preſenting them with a Gown for the Speaker to wear and a Mace to be carryed before him humbly begg leave to pay our due Acknowledgm^{ts} and hearty thanks for the ſame And for that the Houſe is of Opinion that he that bears the Mace may do and perform the duty of Meſſenger to the Houſe humbly pray that yo^r Excell^y will be pleaſed to conſtitute and appoint Such a perſon as yo^r Excell^y ſhall think fit to be both Mace bearer and Meſſinger to the Houſe

The ſame was approved by the Houſe

Ordered. That the Members appointed to draw the ſaid addreſs together with M^r Wilſon M^r Applewait M^r Milner, M^r Barber, M^r Thacker, M^r Fitzlugh and M^r Thorowgood at ſome convenient time attend his Excell^y and preſent the ſaid Addreſs And alſo in the name of the Houſe humbly Addreſs his Excell^y for a Copy of his Speech

A Committee for Elections & Priviledg^s

M^r Gavin Corbin Chairman

M^r Joſter.....M^r Cook

M^r Tayloe.....M^r Harriſon

M^r Miles Cary Jun^r upon his Petition is appointed Clerk of this Committee and

Ordered. To give his Attendance accordingly.

Ordered That the Clerk of the Houſe deliver to the Chairman of the Committee for Elections and Priviledg^s the Severall Writts for Burgeſſes which are come to his hand And that the ſaid Com^{it}tee take into their conſideration the Severall Returnes thereupon And make report of their proceedings and Opinions therein with all convenient Expedition

The Petition of the Sherriff of *James City* County concerning the Election of a Burgeſs for *James City* And

The Petition of M^r George Marrable Henry Vaughan John Howard and Tho: Holliday concerning the ſame Election and the Papers relateing thereto being ſeverally read.

Ordered That the Subject matter of the ſaid Petitions and papers relateing thereto be referred to the conſidera^{on} of the Committee for Elections and Priviledges to Examine the ſame and report their Opinions therein

The Petition of *Richard Morris John Benington* and *John Hix* to continue Doorkeepers to the Houſe being read. they were each of them admitted to a Door keepers place And

Ordered. To give their Attendance accordingly.

The Petition of *William Drew* to continue a Door keeper to the Houſe being read.

Ordered That the ſame be rejected.

The Petition of *Anthony Evans* praying to be admitted to a Door keepers place being read he was thereupon admitted And

Ordered To give his Attendance accordingly

And then the Houſe adjourned till to morrow morning nine a Clock

Tueſday Decemb^r the 10th 1700.

M^r Cary reported that himſelf and y^e other Memb. of the Houſe appointed had according to the Order yeſterday attend^d his Excell^y and preſented to him the Addreſs of y^e Houſe And alſo in the name of the Houſe had addreſſ^d his Excell^y for a Copy of his Speech and that Since M^r Wright had given him a Copy of his Excell^s Speech which was delivered in at the Table and read as followeth

Gentlemen

I am very ſorry that I am inforced to receive you in this poſture but being at preſent afflicted by the hand of God muſt acquieſce and patiently Submit to the diſpenſations
of

of Divine Providence and therefore the Circumstances of his Majesty's Hon^{ble} Council, my owne present Indisposition and the Indisposition of the Gentlemen of the Council that are absent and the Season of the year being considered what I have to recommend to you at this time is That you will consider in your House what you have now lyes before you tending to his Majesty's and Country Service which must indispenfably be proceeded upon and so to give yo^r Opinion to me and the Council whither you think it absolutely necessary that this Session be of any long continuance that So I may take Suitable measures what I have in particular to offer is

His Majesty's and the Lords Letters concerning the Marquis *De La Muce* and the Settlement of the *French* Refugees, there are also Severall other Papers relateing to that matter which shall be also laid before you

The Lords Letter concerning the Building & Erecting a House for the Govern^r

The Settling and regulating of all Claimes and Publick Debts particularly that concerning the proceedings and Tryall of the Pyrates which I have ordered to be sent for to be laid before you

I have Ordered all the Collect^{rs} to make up their Accounts with M^r *Treasur* And as to the business of the Rangers in *Stafford* County must referr that til L^t Col. *Mason* comes to Towne

This *Gentlem.* Is the Summe of what I have at present to offer if anything further Occurs shall Signifye the same to you

Ordered That y^e Copy of his Excell^{ty} Speech lye upon the Table

The petition of *John Chyles* Setting forth to the House that he had obtained a Comission from his Excell^{ty} to be his Majesty's Messenger and Mace bearer to attend the House of Burgesfes was read, and the said *Chyles* thereupon called into the House where having produced his said Comission he was

Ordered To withdraw—And being withdrawne the Comission was read at the Table as followeth

Virginia fs.

Francis Nicholson Esq^r his Maij^{ty} Leiv^t and Govern^r Gen^l of *Virginia* To all to whom these p^{ts}ents shall come Greeting Know Yee That I do hereby Commiffionate authorize and appoint *John Chyles* to be his Maij^{ty} Messenger and Mace Bearer in this Colony and Order him to attend the House of Burgesfies this present Session of Assembly with power likewise to the said *John Chyles* to demand receive and take to himself all fees and P^{er}quisites belonging or incident to y^e said place and Offices Given under my hand and the Seal of the Colony this 10th day of *December* in the twelfth year of his Majesty's Reigne

fra: Nicholson

A Comission appointing *John*

Chyles his Maj^{ty} Messenger & Mace bearer

E. Jenings Dep^y Sec^y

M^r *Corbin* from the Committee of Elections and Priviledges reported that the said Committee had taken into consideration the Severall Returnes of Elections committed to them and had therein agreed upon Severall Resolucons which he read in his place and then delivered them in at the Table where being againe read The House took the same into imediate consideration One by One and agreed upon Severall Resolutions as followeth

Resolved. That Col. *Joseph Ball* and Cap^t *William Jfox* are duly Elec^{ted} and returned Burgesfes to Serve in this Assembly for *Lancaster* County

Resolved That *Gawin Corbin* and *Edwin Thacker* Gentl. are duly Elec^{ted} and returned Burgesfes to Serve in this Assembly for *Middlesex* County.

Resolved That Maj^r *William Tayloe* and Col. *George Taylor* are duly Elec^{ted} and returned Burgesfes to Serve in this Assembly for *Richmond* County

Resolved That M^r *Richard Bland* and Cap^t *Joseph Wyn* are duly elec^{ted} and returned Burgesfes to Serve in this Assembly for *Charles City* County

Resolved. That M^r *Gideon Macon* and Cap^t *Joseph Foster* are duly Elec^{ted} and returned Burgesfes to Serve in this Assembly for *New Kent* County

Resolved.



Resolved. That Col. *William Leigh* and Cap^t *William Gough* are duly Elected and returned Burgeffs to Serve in this Affembly for *King & Queen County*.

Resolved. That M^r *Thomas Edmundson* and M^r *John Catlet* are duly Elected and returned Burgeffs to Serve in this Affembly for *Effex County*.

Resolved. That Cap^t *Thomas Cock* and Cap^t *William ffarrar* are duly Elected and returned Burgeffes to Serve in this Affembly for *Henrico County*

Resolved That Cap^t *Nathanⁱ Harrison* and M^r *Samuel Thompson* are duly elected and returned Burgeffs to Serve in this Affembly for *Surry County*.

Resolved. That Cap^t *Henry Applewait* and M^r *Thomas Giles* are duly Elected and returned Burgeffs to Serve in this Affembly for *Isle [of] Wight County*.

Resolved. That M^r *George Marrable* and Cap^t *James Bray* are duly Elected and returned Burgeffs to Serve in this Affembly for *James City County*.

Resolved. That M^r *Daniel Sullevant* and Cap^t *Thomas Milner* are duly Elected and returned Burgeffes to Serve in this Affembly for *Nansemond County*.

Resolved That *Thomas Butt* and *Mathew Godfrey Gent* are duly Elected and returned Burgeffes to Serve in this Affembly for *Norfolk County*.

Resolved That Maj^r *John Thorowgood* and Cap^t *Edward Moseley* are duly Elected and returned Burgeffes to Serve in this Affembly for *Princes Ann County*.

Resolved. That Cap^t *William Armistead* and Colonⁱ *William Wilfon* are duly Elected and returned Burgeffes to Serve in this Affembly for *Elizabeth City County*.

Resolved. That *Miles Cary* and *William Cary Gent.* are duly Elected and returned Burgeffes to Serve in this Affembly for *Warwick County*

Resolved. That *Thomas Barber Gent.* and Leiv^t Cöl. *Thomas Ballard* are duly Elected and returned Burgeffes to Serve in this Affembly for *York County*.

Resolved That Maj^r *Peter Beverley* and M^r *Mordecai Cook* are duly Elected and returned Burgeffes to Serve in this Affembly for *Gloucester County*

Resolved That *Alexand^r Spence* and *James Westcomb Gent* are duly Elected and returned Burgeffes to Serve in this assembly for *Westmerland County*

Resolved. That Coloñil *George Mafon* and Cap^t *William ffitzhugh* are duly Elected Burgeffes to Serve in this assembly for *Stafford County*.

Resolved. That M^r *Richard ffaffaker Sherr.* of *Stafford County* hath made an Imperfect Return upon the writt for Election of Burgeffs for the said County in that he hath not done the same in forme as the Law directts

Ordd. That *Richard ffoffaker Sherr* of *Stafford County* be sent for in Custody of the Messenger of the House to amend his Return made on the Said writt for Election of Burgeffs in the said County.

Resolved That Major *Rodham Kenner* and M^r *Tho: Hobson* are duly Elected Burgeffs to Serve in this Affembly for *Northumberland County*.

Resolved That M^r *Charles Lee Sherr* of *Northumberland County* hath made an Imperfect Return upon the Writt for Election of Burgeffes in the said County in that he hath not done the Same in forme as the Law directts

Ordered That M^r *Cha: Lee Sherr.* of *Northumberl^d* County be sent for in Custody of the Messinger of the House to amend his Return made on the Writt for Election of Burgeffs in the Said County

Resolved That the Return which *Thomas Cowles Sherr.* of *James City County* hath made upon the Writt for Election of a Burgeffs for his Maij^{ty} Royall Colledge of *William and Mary* in these words

James City County Ss.

By Virtue of this Writt I did appoint the 20th of *Novemb^r* 1700 at *James City* for the Election of a Burgeffs for the within mençoned Colledge And the President and Masters not there appearing I adjourned the said Election to be made at the said Colledge the 4th day of *Decemb^r* 1700 At which time and place appeared M^r *James Blair* President of the s^d Colledg and made Answer That there being as yet but a President and

One

One Master therefore they did not think it fitt to Eleſt a Burgeſſ that being to be done by the Preſident and Maſters of the ſaid Colledge as appears by their Charter

Thomas Cowles Sherſ of James C^y As the Cafe now ſtands is a good and an Acceptable Returne

Reſolved That *Thomas Cowles Sherſ of James City County* who hath failed to make Returne of y^e Writt for Election of a Burgeſſ for *James City* be directed (according to his duty) to make Returne of the ſaid Writt and that he doe it to morrow when the Houſe Sits

Reſolved That the Houſe will to morrow Reſolve it Self into a Committee of the whole Houſe to take into Conſideration his Excell^{ys} Speech made to this Aſſembly.

The Ord^{rs} of the laſt Houſe of Burgeſſes being read at the Table The Houſe approved of the ſame And

Ordered. That they be continued Orders for this Aſſ^{bl^y} and lye conſtantly upon the Table for every members perſvall as Occaſion

Ordered That the Houſe be called over as often as ſhall be thought convenient And that thoſe Members who ſhall be wanting in their Duty of Attendance be lyable to the Censure of the Houſe

Reſolved and according *Ordered.*

That it be a Standing Rule of this Houſe That fifteen Members with the Speaker ſhall be a Sufficent number to adjourne

The Certificates of the Hon^{ble} *Edmund Jenings* and *Robert Carter Eſq^{rs}* That they had adminiſtred the Oathes appointed by Act of Parliment to be taken inſtead of the Oathes of Allegiance and Supremacy the Teſt and Affotiation appointed by Act of Parliment and the Oath of a Burgeſſ of this preſent Gen^l Aſſembly to M^r *Richard Bland* was delivered in at the Table and the ſaid M^r *Bland* appeared and took his place in the Houſe

And then the Houſe adjourned til to morrow morning 9 a Clock

Wenſday Decemb^r the 11th 1700

A MOTION being made by a Member of the Houſe That the Houſe be called over was agreed to and accordingly the Houſe was called over and the abſence of thoſe that did not appear was Excused.

Then the Houſe (according to the Ord^r of the day) Reſolved it ſelf into a Committee of the whole Houſe to conſider his Excell^{ys} Speech made to this Aſſembly, and after ſome time Spent therein M^r *Speaker* reſumed the Chaire and M^r *Cary* reported from the Committee That they had come to a Reſolution upon the firſt Paragraph of his Excell^{ys} Speech which he read in his place and afterwards delivered in at the Table, where being againe read and the Subject matter thereof agreed to by the Houſe.

Reſolved That the Houſe is inclinable to proceed upon no matter but what upon conſideration ſhall be found abſolutely neceſſary to be proceeded upon this Seſſion.

Ordered That a meſſage be forthwith Sent to his Excell^y and the Hon^{ble} Council to acquaint them with this Reſolve And.

That M^r *Cary*. M^r *Thorowgood*, M^r *ſfarrar* M^r *Thacker* M^r *ſfoſter* M^r *Harrifon* M^r *Godfrey* M^r *Edmondſon* M^r *Bray*, M^r *Corbin* M^r *Giles* and M^r *Cook* do carrye the ſame.

And they being returned.

M^r *Cary* reported they had waited on his Ex^{cy} and Council and acquainted them with the Reſolve of the Houſe

Then M^r *Cary* acquainting the Houſe That the Committee of the whole Houſe had directed him to move the Houſe for leave to Sit againe to conſider the remaining parts of his Ex^{cy}s Speech.

Reſolved That the Houſe will Reſolve it ſelf into a Comi^{te} of the Houſe to morrow morning to take into conſideration the remaining parts of his Excell^{ys} Speech

A Letter frō. M^r *George Maſon* a Burgeſs for *Stafford* County was read and he therein Signifying that by meanes of Sickneſs he is diſabled to give his Attendance upon the Service of the Houſe

Ordered That his abſence be Excused til his better health

Thomas Cowles Sherriſſ of *James City* County (having according to the ord^r Yeſter-day made returne of the writt for Election of a Burgeſs for *James City*—The Returne thereupon Endorſed was read at the Table

Ordered That the ſaid Returne be referred to the Com^{tee} for Elections and Priviledges to be conſidered with the Petition of the ſaid Sherriſſ and the Petition of *George Marrable Henry Vaughan John Howard* and *Thomas Hollyday* formerly referred to the ſaid Committees Conſideration to report their Opinion thereupon

A Moōon being made by a Member of the Houſe It was put to the Queſtion

That more Members be added to the Committee for Elections and Priviledges And it

Paſſed in the Negative

Richard ſhoffaker Sherriſſ. of *Stafford* County and *Charles Lee* Sherriſſ of *Northumberland* County being Yeſterday Ordered to be ſent for in cuſtody of the Meſſenger to amend the Returnes by them made upon the writts for Election of Burgeſſes in their reſpective Countys

Ordered That M^r *Speaker* forbear to iſſue any Warrant concerning the Same til further Order from the Houſe

A Meſſage from his Excell^y by M^r *Wright*
M^r *Speaker*.

I am commanded by his Ex^{ty} to acquaint this Houſe that he is very well Satisfyed with the Reſolve of this Houſe delivered to him by their late meſſage That they will proceed upon nothing this Seſſion but what is abſolutely neceſſary—One of which that comes vnder that notion and Circumſtance he conceives to be the matter concerning the *ffrench* Refugees All which is contained in theſe papers I now lay before you

I am further commanded to deſire this Houſe to take into conſideration the proceedings of the Committee appointed to Revife the Lawes in reſpect of the Merit of the Claimes which I alſo lay before you in the incloſed.

And Laſtly I am commanded to acquaint this Houſe That in regard to other Claimes P^{ar}ticularly that relateing to the Pyrates and to the Rangers in *Stafford* County All the Papers relateing to thoſe matters ſhall be drawn out with all conveinent Speed and laid before this Houſe

This being ſaid M^r *Wright* delivered in at the Table Severall Papers relateing to the *ffrench* Refugees in three bundles No. 1. 2. 3.

And a Role of Paper containing the Proceedings of the Revifall Committee

A Com^{tee} for Publick Claimes

M^r *Miles Cary* Chairman

M^r *Gideon Macon*.....M^r *Jos: ſfoſter*

M^r *Alēx: Spence*.....M^r *Tho. Milner*

M^r *Richd Bland*.....M^r *Hen: Applewait*

M^r *Will. Tayloe*.....M^r *Edw Mofeley*

M^r *Miles Cary* Jun^r was appointed Clerk of this Com^{tee} and Ord^d to give his Attend^{ce} accordingly

A Com^{tee} for Propoſiōns & Greivances

M^r *William Leigh* Chairman

M^r *Gawin Corbin*.....M^r *Nāth Harrison*

M^r *Will. Wilſon*.....M^r *Thō Ballard*

M^r *Tho: Barber*.....M^r *Mōrd. Cook*

M^r *Will. Cary*.....M^r *James Weſtcomb*

M^r *Barth^o ſfowler* was upon his Petition appointed Clerk of this Committee and Ord^d to give his Attend^{ce} accordingly

Ordered.

Ordered. That the Committees have power to adjourne themselves *De die in diem* and to send for *P*ersons Records Journalls and other Papers they shall from time to time have occasion of

Resolved and accordingly *Ordered.*

That all propositions Greivances and Publick Claimes be bro^t into the House on *Saturday* the 14th of this Instant at latest or not to be received into this Session of Assembly without *P*articular leave of the House

Ordered That the Clerk of the House publish the latest time Sett by the House for receiving Propositions Greivances and Publick Claimes during the Session by setting up a faire Copie of the Resolve of the House made in that behalf at the Colledge Door

Ordered. That the Clerk of the House publish the place where the Committee of Greivances and Propositions and the Committee of Publick Claims are to Sit by Setting up a Certificate thereof at the Door of the Colledge

And then the House adjourned til nine a Clock to morrow morning

Thursday Decemb^r y^e 12th 1700

SEVERALL Publick Claimes from the Countys of
King and Queen.....James City
Middsex.....Warrwick.
Henrico.....New Kent
Charles City.....Lancaster
Isle of Wight.....Stafford
Gloucester.....Surry
Effex.....Westm^rland and York

Were presented to the House and referred to y^e consideration of the Committee of P^ubl. Claimes to examine the Subject matter thereof and report the Same with their Opinion therein to the House

The Certificate of the hon^{ble} *Edmund Jenings* and *Robert Carter Esq^r* That they had admittred the Oathes appointed by Act of Parliment to be taken instead of the Oathes of Allegiance and Supremacy the Test and Affotiation appointed by Act of Parliment and the Oath of Clerk of the Committee of Propositions and Greivances of this present Gen^l Assembly to M^r *Bartholomew fowler* was delivered in at the Table

M^r *Corbin* reported from the Committee of Elecc^ons and Priviledges to whom was referred the Returne of the Writt for the Election of a Burgefs for *James City* to be considered together with the Petition of *Thomas Cowles Sherr.* with the Petition of *George Marrable Henry Vaughan John Howard* and *Thomas Holliday* That the said Committee were come to a Resolution therein which he read in his place and then delivered it in at the Table where being againe read The House proceeded to take the same into consideration And it appearing that the Sherriff of *James City* County had upon the Writt for Election of a Burgefs for *James City* made a double Returne to wit of M^r *Benjamin Harrison Jun^r* and M^r *Robert Beverley.*

Resolved. That M^r *Robert Beverley* is duly Elected A Burgefs for *James City.*

Resolved and accordingly *Ordered.*

That *Thomas Cowles Sherr.* of *James City* County do forthwith come into the House and Rafe his Returne made of M^r *Benjamin Harrison jun^r* upon the Writt for Election of a Burgefs for *James City*

And thereupon the said Sherr. came into the House and according to order rased his Returne made of M^r *Benjamin Harrison Jun^r*

And then he was ordered to withdraw and being withdrawne the House took into considera^on the Occasion that moved him to make such Returne and after Some time Spent therein.

Resolved. That It is the Opinion of the House That *Thomas Cowles Sherr.* of *James City* County Did not make the aforefaid Returne out of a willfull Obstinate hum^r but
because

because the Circumstance of the Election were Such That they created in him a great Dilemma and he was ignorant how to proceed thereupon. And it is further

Resolved. That the said *Thomas Cowles* deserves to be Excused for his said Default as much as may be

Then the House (according to the Order of the day) Resolved it Self into a Committee of the whole House to take into consideration the remaining parts of his Excell^s Speech made to this Assembly And after some time spent therein M^r *Speaker* resumed the Chair and M^r *Cary* reported from the Committee That they had come to Some Resolutions upon the remaining parts of his Excell^s Speech which he read in his place and afterwards delivered them in at the Table where being againe read as followeth

Resolved. That It is the Opinion of this Committee That the Considera^on of the Second Parāgh. of his Excell^s Speech relateing to the *French* Refugees together will [with] all the Papers concerning the Same be referred to the Com^{tee} of Proposi^tions and Greivances to report their Opinion therein

Resolved That It is the Opinion of this Com^{tee} That the consideration of the 3^d Parāgh. of his Excell^s Speech relateing to the building of a House for the Govern^r together with the Lords Letter about it be referred to the Committee of Proposi^tions and Greivances to report their Opinions therein

Resolved That It is the Opinion of this Com^{tee} That the considera^on of the fourth Parāgh. of his Excell^s Speech relateing to Claimes and Publick Debts together will all Papers. which now are in the House or shall hereafter be Sent to the House concerning the Same be referred to the Committee of Publick Claimes to report their Opinion therein

Resolved That it is the Opinion of this Committee Upon consideration of the last Parāgh. of his Excell^s Speech relateing to the Treasurers Accounts That a Committee be appointed to receive the said Accounts and to Examine and report what shall be necessary therein

The House agreed to the report of the Committee.

A Petition of *Edward Jaquelin* to be allowed for the Rent of his House at *James City*

A Peti^tion of *Robert Jenings James Nuckles* and *Nicholas Gentry* Soldiers in *New Kent* County Complaining of the Non payment of four hundred fifty four pounds of Tobacco levied for each of them the last Assembly in *York* County

A Petition of *William Mead* of *Gloucestr* County for allowance for a Criminal Negro

A Petition of *William Drew* late Doorkeeper to this House for the allowance of a Pension towards his future Support

A Peti^tion of *Alexand^r Swan* late Sher^t. of *Lancaster* County concerning Claime of Two Thousand eight hundred and twelve pounds of Tobacco

A Petition of *Joseph Tayloe* Clerk of *Lancaster* County for allowance for transmitting Copies of y^e Lifts of Tythables Muster Rolls &c to the Council Office being severally read

Ordered That the consideration of the said Severall Peti^tions be referred to the Committee for Publick Claimes to report their Opinions therein

The Proposi^tion of severall Inhabitants of *Charles City* County.

The Greivances of the Inhabitants of the Upper part of *New Kent* County.

The Proposi^tion of some of the Inhabitants of the said County And

The Greivances of *Isle* [of] *Wight* County Dated the 9th of *October* and 30th of *November* last being Severally read

Ordered That the consideration of the said Sever^l proposi^tions and Greivances be referred to the Committee of Proposi^tions and Greivances to report their Opinion therein

Then the House adjourned til nine a Clock to morrow morning

Fryday

Fryday December the 13th 1700.

SEVERALL Publick Claimes from the Countys of
Lancaster.....James City
Surry.....Norfolk
Nansemond.....Princess Ann
Accomack.....Elizab. City

were presented to the House and referred to the consideration of the Committee of Publick Claimes to Examine the Subject matter thereof and report the same with their Opinion therein to the House—

The Certificate of the Hon^{ble} *Jenings* and *John Lightfoot Esq^r* That they had administred the Oathes appointed by Act of Parliment to be taken instead of the Oathes of Allegiance & Supremacy the Test and Affotiation appointed by Act of Parliment and the Oath of a Burgefs of this present Gen^l Assembly to M^r *Robert Beverley* was delivered in at the Table who thereupon appeared and took his place in the House

The Proposicons and Greivances of *Elizabeth City C^y*

Nansemond County

Middsex County

James City County .

Henrico County

Surry County and

Accomack County.

being severally read

Ordered That the consideration of the said Severall Proposicons and Greivances be referred to the Committee of Greivances and Proposicons to report their Opinions therein

The Proposicons and Greivances of *Stafford County* being presented at the table but not having such Attestation as the Law about presentacon and delivery of Greivances directed

Ordered That the same be rejected

A Greivance from some Inhabitants of *Charles City County* about the Court house of the said County being presented at the Table but not having such Attestacon as the Law about Presentation and delivery of Greivances directed

Ordered That the same be rejected—

A Message from his Excell^y by M^r *Wright*

M^r *Speaker.*

One Branch of his Excell^y Speech to this House has a Relation to Publick Claimes and Debts which he desires this House to take vnd^r Consideration vnder which notion comes all matters relateing to the Tryall of the Pyrates. All Claimes and Papers thereto belonging and to the Rangers of *Stafford County* which I am commanded to lay before the House

I am also commanded by his Excell^y to lay before this House Some other Claimes and some Proposicons and Greivances which are referred hither—

And to let you See the Care and paines that hath been taken by the Severall Clerks of the respective County Courts in Obedience to Severall Orders of Council I am commanded to lay before you the Severall Lifts of Tythables and Untythables and the Muster Rolls— The Originalls of which is to be kept in the Secretarys Office upon Record and the two Copies transmitted to *England*—

And this being said M^r *Wright* delivered in at the Table the Severall Lifts and Papers menconed in the said message.

The Certifycate of the Hon^{ble} *Edmund Jenings John Lightfoot* and *Robert Carter Esq^r* That they had administred the Oathes appointed by Act of Parliment to be taken instead of the Oathes of Allegiance and Supremacy y^e Test and Affotiacon appointed by Act of Parliment and the Oath of a Burgefs of this present Gen^l Assembly to

Tully

Tully Robinson and *Thomas Welburne* Gent^l. was delivered in at y^e Table who thereupon appeared and took their places in the House—

The Examinacon and report of Col *Anthony Lawson*, M^r *John Thorewgood* and M^r *Edward Mofely* Sen^r made pursuant to an order of y^e last Assembly upon a Greivance then presented from *Norfolk* County being read

Resolved. That the said report together with all the Papers relateing thereunto be taken into Consideracon of the House on *Wednesday* next

Resolved That all Papers now brought into the House or shall hereafter be sent to the House relating to the *ffrench* Protestant Refugees be referred to the consideration of the Committee of Proposicons and Greivances—

A Petition of *Edmund Jenings* Esq^r Dep^{ty} Sec^{ry} praying that it may be declared how and by whom the free of fifty pounds of Tobacco for each Military Commiffion shall be paid referred by his Excell^y and the Council to y^e consideracon of the House

A Petition of *William Byrd* Esq^{re} for allowance of twenty two pounds nineteen shillings three pence Expend^d upon the Arrivall of the *ffrench* Protestant Refugees with Mon^s *de Joux* referred by his Excell^y and Council to the consideration of the House—

A Petition of *Robert Peasley* Interp^{ter} to the *Pomunkey*, *Chickahominie* & *Namziaticco* Indians for his Annuall Allowance of four Thouland pounds of Tobacco and Caske

A Petition of *John Kimbro* a Pension^r for his Annual allowance of One thousand pounds of Tobacco

A Petition of *William Randolph* Clerk of the House for his Visuall Allowance for severall Copies of Journalls and Lawes transmitted to *England* And

A Petition of the said *William Randolph* for Allowance for his Attendance at y^e last meeting of the Assembly and for Severall Copies of the Lawes and other matters transcribed by Ord^r of his Excell^y being Severally read and

Ordered That the consideration of the said Sever^{ll} petitions be referred to the Committee of P^{ubl}. Claimes to report their Opinion therein—

And then the House adjourned til to morrow morning nine a Clock.

Saturday December the 14th 1700.

ORDERED That the Committee of Proposicons and Greivances be forthwith called to attend the Service of the House

The Proposicons and Greivances of *Norfolk*. County referred by his Excell^y and Council to the consideration of the House being read.

Ordered That the same be referred to the consideration of the Committee of Proposicons and Greivances to report their Opinion therein—

A Proposicon of M^r *John Walker* of *King* and *Queen* County for Settling Some *ffrench* Protestant Refugees upon his land in the said County referred by his Excell^y and Council to the consideracon of the House

Ordered That the said Proposicon be referred to the consideration of the Committee of Proposicons and Greivances to report their Opinions therein

A Petition of severall Inhabitants in *Pamunkey* Neck to be made a Distinct County of themselves or at least that a Court may be held in the said Neck Once in two months referred by his Excell^y and Council to y^e Consideration of the House—

A Petition of M^r *Nathan^{ll} Harrifon* and M^r *James Mason* of *Surry* County for continuing the Course of the Bounds of the said County on the South side the *Blackwater* referred by his Excell^y and the Council for y^e consideracon of the House.

A Petition of *Richard Hutchins* relateing to a fferry near Esq^r *Bowlers* in in *Rapahanock* River referred by his Excell^y and y^e Council to the consideration of the House—

A Petition of *John Kingston* relateing to a fferry at *Cappahosack* in *York* River referd by his Excell^y and Council to the consideration of the House—

A Petition of *Joshua Broadbent* relateing to a fierry at *Tindalls* point in *York* River referred by his Excellency and Council to the Consideration of the House—

A Petition of *Robert Blight* that Schoolmasters may have Preference to Clerks or Readers places in the Church together with a Letter relateing to the same referred by his Excell^y and the Council to the consideration of the House being Severally read.

Ordered. That the consideration of the said Severall Petitions be referred to the Committee of Propositions and Greivances to report their Opinion therein

A Petition of *Edmund Jenings* Esq^r Dep^y Sec^y for allowance for twenty five writts for Elec^tion of Burgeesses to Serve in the Assembly which was to have been held the 23^d of *October* last. And also for allowance for 25 writts more for Election of Burgeesses to Serve this p^rsent Assembly referred by his Excell^y and Council to the consideration of the House.

A Petition of *William Davis* of *Westmerland* County for allowance for taking a List of all the Inhabitants in the precinct of *Copley* Parish in the said County pursueant to an Ord^r of his Excell^y and Council referred by his Excell^y and Council to y^e considera^con of the House

A Petition of *John Hartley* of *Westmerland* County for allowance for taking a List of all the Inhabitants in the precinct of *Washington* Parish in the said County p^rsueant to an Order of his Excell^y and Council referred by his Excellency and Council to the consideration of the House—

A Petition of M^r *James Westcomb* Clerk of *Westmerland* County for Copies of the List of Tythables Muster Rolls &c pursueant to an Order of his Excell^y and Council referred by his Excell^y and Council to the considera^con of the House—

A Petition of M^r *Thomas Hobson* Clerk of *Northumberland* County for Copies of the Lists of Tythables, Muster Rolls &c pursueant to an ord^r of his Excell^y and Council—

A Petition of M^r *Stēph ffouare* and M^r *Isaack Samart* for allowance for their Attendance as Interpreters upon the Tryall of the pyrates referred by his Excell^y and Council to the consideration of the House—

A Petition of M^r *John Wafburne* Clerk of *Accomack* County for Copies of the Lists of all the people taken by their Sherri^f and transmitting the same &c p^rsueant to an Order of his Excell^y and Council And

A Petition of *Thomas Blunt* for his vsuall Sallary as Interp^rter to the Southern Indians being Severally read

Ordered That the consideration of the said Severall Petitions be referred to the Committee of Claimes to report their Opinions therein

The Claimes from *Northumberland* County being presented to the House were referred to the consideration of the Committee for Publick Claimes to Examine the Subject matter thereof and report the Same with their Opinion therein to the House—

A petition of *Edmund Jenings* of the County of *York* Esq^r and *David Bray* of the County of *James City* Gent. Executors of the last will and Testament of *Thomas Bray* late of the County of *New Kent* Gent^l deceased in behalf of himself and others concerned or claiming Right or Title to Some Land in *Pomonkey* Neck being read and therevpon a Debate ariseing

The Question was put

That the same be referred to the next Sessⁱon of Assembly and it was

Resolved. In the Affirmative

Then a Mo^con being made That an Order pass this House to prohibite all persons in possession of the Lands men^coned in the said Petition to make any Wast thereupon until the said Petition be taken into consideration

The Question was put concerning the same

And it passed in the Negative

A Petition of Severall Inhabitants of the Upper parts of *S^t Peters* Parish in the County of *New Kent* for a Chappel of Ease to be built there referred by his Excellency and Council to the consideration of the House being read. After a Debate thereupon

Ordered That the said Petition be rejected

A Petition of *Paul Harralson* concerning his Naturalization referred by his Excellency and Council to the consideration of the House being read

Ordered That the said Petition be rejected.

A Petition of *William Holt* of *Stafford* County for Services done for the said County being read.

Ordered That the said Petition be rejected

M^r *Leigh* from the Com^{tee} of Propositions & Greivances reported That the said Committee had taken into consideration the Second and third Paragraphs of his Excell^y Speech relateing to the *French* Refugees and an House for the [Govern^r and that they had come to Some Resolutions therein which he read in his place and afterwards delivered them in at the Table where being againe read.

Resolved That the House will take the said report into Consideration on Tuesday next.

And then the House adjourned til *Monday* Morning 10 a Clock

Monday Decemb^r the 16th 1700.

A CERTIFICATE of the hon^{ble} *Edmund Jennings* and *Robert Carter* Esq^{rs} That they had Administred the Oathes appointed by Act of Parliment to be taken instead of the Oathes of Allegiance and Supremacy the Test and Affotiation appointed by Act of Parliment and the Oath of a Burgefs of this present Gen^l Assembly to *John Callet* Gent. was delivered in at the Table who therevpon appeared and took his place in the House—

A Petition of *William Chapman* Pension^r for his Annuall allowance of One Thousand pounds of Tobacco referred by his Excell^y and Council to the consideration of the House

A Petition of *Francis Merryweather* Clerk of *Effex* County for Allowance for Copies of the Lifts of the people Muster Rolls &c referred by his Excell^y and Council to the consideration of the House—

A Petition of *William Gray* for his Claime of four pounds Seventeen shillings for Entertaining the Justices appointed to Examine and determine the matters relateing to the *Blackwater* Land with Papers relateing thereunto referred by his Excell^y and Council to the Consideration of the House—

A Petition of *Dionisius Wright* for his Claime of four pounds *Sterling* for Eight Cord of Wood for the vse of this Assembly with the Order of Council relateing thereto referred by his Excell^y and Council to y^e consideration of the House—

A Petition of *Dionisius Wright* for allowance of thirteen pounds two shillings for Chaires Tables &c for the vse of his Majest^y Council upon their Removall to the City of *Williamsburg* with the Acco^t thereunto referred by his Excell^y and Council to the consideration of the House

A Petition of *Henry Royall* for allowance for his Disbursem^{ts} on account of the Pyrates with the Certifycate relateing thereto referred by his Excell^y and Council to the consideration of the House—

A Petition of *John Anderson* for the Allowance of four hundred pounds of Tobacco for Entertaining *Thomas Monk* a Prisoner wth the account relateing thereto referred by his Excell^y and Council to the consideration of the House—

A Petition of M^r *Chicheley Corbin Thacker* Clerk of *James City* County for allowance for Copies of the Lift of Tythables Muster Rolls &c transmitted to the Council Office with the Ord^{rs} of Council relateing thereto referred by his Excell^y and Council to the consideration of the House

A Petition of *Henry Duke* late Sherr. of *James City* County for allowance of two thousand pounds of Tobacco for Attendance at the Gen^l Court with the Account relateing thereto referred by his Excell^y and Council to the consideration of the House—

A

A Petition of *Francis Clements* Clerk of *Surry* County for allowance for Copies of the Lifts of the People Muster Rolls &c transmitted to the Council Office with the Certificate relating thereto referred by his Excell^y and Council to the consideration of the House—

A Petition of *Thomas Wells* for four pounds four Shillings One penny halfpenny for Entertaining of the Indian Interpreter and severall Indians &c with the account relating thereto referred by his Excell^y and Council to the Consideration of the House—

A Petition of *Chicheley Corbin Thacker* Clerk of the Secretarys Office for his vsuall Allowance referred by his Excell^y and Council to the consideration of the House—

A Petition of *Edwin Thacker* Clerk of *Middsex* County for Allowance for Copies of the Lifts of the People Muster Rolls &c & transmitting the Same to the Council Office referred from his Excell^y and Council to the consideration of the House—

A Petition of *Edward Rofs* for three pounds nineteen shillings for Disbursem^{ts} to the french Refugees pursuant to an Order from M^r President *Bird* with the account there- to annex referred by his Excell^y and Council to the consideration of the House—

A Petition of *Edmund Jennings Esq^r* for forty two pounds for Supplyes to the Cap- tains of his Majest^y Men of Warr for the Use of the Pyrates sent home with the account thereto annex referred by his Excell^y and Council to the consideration of y^e House

A Petition of *Edward Jaquelin* for allowance after the rate of Eight pounds p^{er} Ann for the Council Chamber in his House at *James City* referred by his Excell^y and Council to the consideration of the House—

A Petition of *George Clough* Clerk of *New Kent* County for allowance for Copies of the Lifts of y^e People Muster Rolls &c & transmitting the Same to the Council Office referred by his Excell^y and Council to the consideration of the House—

A Petition of *John Walker Sherr* of *King* and *Queen* County for One Thoufand Eighty pounds of Tobacco for his trouble and Disbursements in Searching and inquireing after *John Smith* a Criminall and also after *Sampson* a Criminal Negro belonging to M^r *Thomas Bray* with the Account relating thereto referred by his Excell^y and Council to the consideration of the House—

A Petition of *Lucy Doran* for allowance for fferryage of One hundred Sixty nine french Refugees over *Chickahominie* River with the Papers relating thereto referred by his Excell^y and Council to the consideration of y^e House—

A Petition of *Ann Blaithwait* for four hundrd Ninty pounds of Tobacco for Pro- visions of Severall Prisoners with the account relating thereto referred by his Excell^y and Council to y^e consideration of the House—

A Petition of *Thomas Cowles Sherr* of *James City* County for Six thouf^d five hun- dred & Six pounds of Tobacco for his Attendance and other publick Services at the Gen^l Courts with the account relating thereto referred by his Excell^y and Council to the Consideration of the House

A Petition of *Charles Evans* on behalf of his Master *John Woodson* for his Expences of four pounds Six shill^s three pence and writeing Severall matters relating to the Pyrates referred by his Excell^y & Council to the consideration of the House

A Petition of *Chicheley Corbin Thacker* for writeing Severall matters relating to the Pyrates referred by his Excell^y & Council to the Consideration of the House

A Petition of *John Rand* for Allowance for writeing severall matters relating to the Pyrates with the account thereunto annex referred by his Excell^y and Council to the consideration of the House

A Petition of *Daniel Sullevant* Clerk of *Nanzemond* County for Copies of the Lifts of the People Muster Rolls &c and transmitting the same to the Council Office with the Papers relating thereto referred by his Excell^y & Council to the consideration of the House

A Petition of *Edward Jaquelin* for allowance for writeing Severall matters relating to the Pyrates referred by his Excell^y and Council to the consideration of the House

A Petition of *William Hartwell* for allowance for writing Severall matters relating to the Pyrates referred by his Excell^y and Council to the consideration of the House—

And a Petition of *William Byrd Esq^r* for Eighty Six pounds thirteen shillings for Severall Disbursements about the Pyrates referred by his Excell^y and Council to the consideration of the House

being severally read

Ordered That the consideration of the said severall Petitions be referred to the Committee of Publick Claimes to report their Opinions therein

A Certificate of the hon^{ble} *Edmund Jennings Mathew Page* and *Benjamin Harrison Esq^r* That they had administered the Oathes appointed by Act of Parliament to be taken instead of the Oathes of Allegiance and Supremacy the Test and Affirmation appointed by Act of Parliament and the Oath of a Burgees to this present Gen^l Assembly to *William Waters* and *John Powell* Gentl. was delivered in at the Table who thereupon appeared and took their places in the House—

A Message from his Excell^y by M^r *Wright*

M^r *Speaker*

His Excell^y commands the immediate Attend^{ce} of this House on him in the Gen^l Court House

And accordingly the House went and attended his Excell^y.

And being returned

M^r *Speaker* acquainted the House That his Excell^y was pleased to make a Speech and to give him a Letter from the Lords of the Council for Trade and Plantations which his Excell^y had this morning received—

That to prevent Such misrepresentations as he might happen to make of the Subject matter contained in the said Speech thro' the weakness of Memory. he had prayed and obtained a Copy which being read at the table as followeth

Hon^{ble} Gentlemen

I thank God that I can in this place returne you my hearty thanks for y^e kind and obliging Address of the 9th Instant What you are pleased to call an Extraordinary Mark of my favour to you is no otherwaies So then by your kind acceptance thereof and what I have now done is but an Earnest of my future Intention if please God I live & continue in this Station. I shall likewise God willing Endeavour to continue the discharge of my duty to God and his Majesty and do all the Good I can for the Inhabitants in generall of this his Majesty's most antient and great Colony and Dominion of *Virginia* but more particular for the Gent^l of his Majesty's Hon^{ble} Council and those of the House of Burgeesses and the Speaker thereof for all whom I shall have a due regard in Order for his Majesty's Hon^r and the reputation of this his Majesty's Country—

Gent^l.

I have with the advice of his Majesty's Hon^{ble} Council Sent to you all Propositions Letters Papers &c which we think are of absolute necessity to be laid before you this Session

I find that you have given Publick notice that the fourteenth Instant was the last day that you would receive any Claimes &c So that I am now in great hopes that you have received all Such & that you will with all convenient Expedition dispatch such as are of absolute necessity according to y^{or} Resolve of the 11th Instant

I am heartily Sorry that Since my having had the Great Hon^r of Serving his Majesty here the Circumstances of Affaires have been So that there hath been an Unavoidable necessity of raising money for Discharging Debts. Erecting Publick buildings and defraying the necessary Charges of the Government—

but I hope that by M^r *Treasurers* Accounts you will find the Severall Impositions have been duly and faithfully collected and the produce thereof appropriated according to the Acts of Assembly—

I have with the advice of his Majesty's Hon^{ble} Council endeavoured to put the Country to as little Charge as possible but it hath pleased God That some Occasions and Accidents have happened So that there was an absolute necessity of doing things which have brought a Publick Charge upon the Country particularly that of the Pyrates which I do think

my

my Self obliged in duty earnestly to recommend to you to be paid and the way for doing of it I suppose will Soon be resolved on by you considering who were the Savers thereby And *Gentl.*

You may be assured that whatever moneys you shall think proper to raise and appropriate to any use shall be so and no otherwise disposed of by me

This morning I had the Hon^r to receive a Lett^r from the R^t Hon^{ble} the Lords of the Council for Trade and plantacon which I now give to yo^r Speaker And *Gentl.* That you fully answer the Writt by which you are now Mett are my hearty wishes and hopes for the accomplishing of which I pray God Almighty Direct you

And after it the Lords said Letter to his Ex^{ty}

Ordered That the said Speech and Letter do lye upon the Table

Resolved That the House will resolve it Self into a Com^{tee} of the whole House to morrow morning to take into consideration his Excell^{ty} said Speech

A Petition of *Edmund Jennings Esq^r Dep^{ty} Sec^{ry}* That the Records remaining at *James City* may be removed to the place appointed for keeping the Secretarys Office in his Maj^{ty} Royall Colledge of *William and Mary* being read

Resolved That the said Petition be considered in the Com^{tee} of the whole House appointed to morrow for consideration of his Excell^{ty} Speech

Then the House adjourned til to morrow morning nine a Clock

Tuesday Decemb^r the 17th 1700.

THE Sherriffs Returne upon the Writt for Election of Burgeffs in *Accomack County* And the Sherr^f. Returne upon the writt for Election of Burgeffs in *Northampton County*— being severally read

Resolved That M^r *Tully Robinson* and Cap^t *Thō: Welburne* are duly Elected and returned Burgeffes to Serve in this Assembly for *Accomack County*

Resolved. That Major *William Waters* and *John Powell* gent. are duly elected and returned Burgeffes to Serve in this Assembly for *Northampton County*

M^r *Waters* one of the Burgeffes for *Northampton County* having offered Severall reasons how it came to pass That the Publick Claimes and Greivances of the said County were not presented in the time limited by the House for bringing in Claimes and Greivances and therevpon moveing for leave to bring in the same now.

Leave was given accordingly.

A Petition of *Walter Bayly David Dupay. Wolledge Westwood Coleman Brough* and *Robert Taylor* praying Allowance for Severall Services and Expences about the Pyrates was read and the same being referred by his Excell^{ty} to the consideration of the House and Certified that it was forgott to be presented in time

Resolved That the said Petition be admitted and that it be referred to the consideration of the Committee for Publick Claimes — to report their Opinion therein

A Petition of *Daniel Neech* Clerk of *Northampton County* Court for allowance for Severall Copies of Lifts of Tythables and Untythables and Muster Rolls referred by his Excellency and Council to the consideration of the House being read.

Ordered That the consideracon of the said Peticons be referred to the Committee of Publick Claimes to report their Opinions therein

The Proposicons and Greivances of *Northampton County* referr^d by his Excell^{ty} and Council to the consideration of the House being read.

Ord^d That the consideration of the same be referred to the Committee of Greivances and Proposicons to report their Opinions therein

Ordd That the publick Claimes of *Northampton County* be referred to the consideration of the Committee for Publick Claimes to report their Opinions therein

Then (according to the ord^r of the day) The House Entred vpon the consideration of the report of the Committee of Greivances and Proposicons made upon the said Committees

ittees Consideration of the Second and third Parāghs of his Excell^s Speech relateing to the *ffrench* Refugees— and a House for the Govern^r and after Some time Spent therein

Resolved. That the said report be considered in the Comitt^{tee} of the whole House appointed this day.

Then (according to the Ord^r of the day) The House *Resolved* it Self into a Comitt^{tee} of the whole House to take into consideration his Excell^s Speech made Yesterday and all other matters referred to the said Committee. And after some time Spent therein — M^r *Speaker* resumed the Chaire and M^r *Cary* reported that the said Committee had come to Severall Resolutions in the Severall matters to them referred which he read in his place and then delivered them in at the Table where being againe read The House agreed to the same Resolving as followeth

Resolved. That a Mess^{age} be sent to give his Excell^y y^e Thanks of the House for the favour of his Speech Yesterday and for communicating the Letter menconed in the said Speech

Resolved. That no further Debate or proceedings be had upon that Parāgh: of his Excell^s Speech Yesterday which recommends the payment of: the Charge about the Pyrates and the way for doing it vntil the Committee for Publick Claimes make report of their opinions in Severall matters referred to them concerning the said Affaire

Resolved That the Reccords of this Government which Stil remain at *James City* be with all convenient Expedition removed from thence to the place appointed for keeping the Sec^{rys} Office in his Maij^{ty} Royall Colledge of *William and Mary* adjacent to the City of *Williamsburgh* according to the Petition of *Edmund Jenings* Esq^r Deputy Secretary made to his Excell^y and the Hon^{ble} Council in that respect

Resolved. That it doth not appear that the *ffrench* Refugees Seated on or adjacent to the land comorly called the *Mannikin Towne* are vnd^r Such pressing necessity or want as to be accounted Objects of present Charity.

Resolved That a Bill be p^rpared to constitute the *ffrench* Refugees seated on or adjacent to the *Mannikin Towne* a P^rish of themselves and to exempt such of them as dwell within the said Parish from payment of Publick and County Levys for Seven yeares after the end of this Sessions of Assembly—

Resolved. That the House doth agree to the report of the Committee of Proposicōns and Greivances made upon the third fourth, fifth, Sixth Seventh. Eighth and Ninth Articles contained in the Petition of the *ffrench* Refugees. viz^t

That none of the said Articles require any Determination of the House but do properly lye under his Excell^{ys} Consideration.

Resolved That the House doth agree to the Report of the Com^{tee} of Proposicōns and Greivances made upon the the third Pārg^h: of his Excell^s Speech relateing to the building a House for the Govern^r of this Country for the time being viz^t That in regard there are many publick Debts and other contingent Charges to Defray and a Capitol is to be built. the Country at this time is not in a Capacity to Sustein So great a Charge

Resolved That the Records and Papers belonging to this House and now lodged at *James City* be withall convenient Expedition removed from thence and placed in the Chamber appointed for the Clerk of this House in his Majest^{ys} Royall Colledge of *William and Mary* adjacent to the City of *Williamsburgh*—

Ordered. That a mess^{age} be sent to the Council to desire their Concurrence to the Resolves of this House touching the Removall of the Records belonging to the Secretarys Office and to this House

Ordered That it be referred to the Committee of Proposicōns and Greivances to p^rpare and report a Bill for making the *ffrench* Refugees on or adjacent to the Land called the *Mannikin Towne* A Parish of themselves and for Exempting such of them as dwell there from payment of any Publick or County levys for Seven years.

And then the House adjourned til to morrow morning nine a Clock.

Wednesday

Wednesday Decemb^r the 18th 1700.

ORDERED. That M^r Leigh M^r Bray M^r Thompson M^r Catlet M^r Barber M^r Wyn M^r Cock M^r Thacker and M^r Thorowgood do forthwith wait vpon his Excell^y and give his Excell^y the Thanks of the Houfe for the fav^r of his Speech the 16th Instant and for communicating the Letter menconed in his faid Speech

And that they carrye to the hon^{ble} Council the Refolves of this Houfe touching y^e Removall of the Records of this Governm^t belonging to the Secretarys Office and to this Houfe and defire their Concurrence thereunto

And they being returned

M^r Leigh acquainted the Houfe that in Obedience to the faid Order they had attended his Excell^y and delivered the faid Meffage and that his Excell^y was pleafed to fay he was glad that what he did was acceptable to the Houfe

And alfo

That they had defired the Concurrence of the Hon^{ble} Council to the Refolves of this Houfe relating to the Removall of the Records,—

M^r Leigh from the Com^{tee} of Propofitions and Greivances reported That the faid Committee had come to Severall Refolutions in the matters to them referred which he read in his place and then delivered the Same in at the Table — where being again read

Resolved. That the faid Report do lye upon the Table. and that it be confidered when the Houfe think convenient

A Petition of M^r Rob^t Beverley a Member of the Houfe was read complaining that within lefs then Tenn daies of the beginning of this Sefions a Procefs in Law *in Ejectione* found for tryall of a Title to Land in his poffeffion was Served at his Plantation in *Elizabeth City* County by the meanes of *Samuel Selden* in breach of y^e priviledge of this Houfe

Resolved. That the Serving the faid Procefs as aforefd is a breach of the priviledge of the Houfe and that faid Procefs together wth all the proceedings therevpon be declared void

Ordered That the faid *Samuel Selden* be forthwith fent for in Cufody of the Mef-finger of the Houfe to anfwer the faid breach of Priviledge

A Meffage from his Excell^y and Council by M^r Wright
M^r Speaker

I am commanded by his Excell^y to acquaint you that his Excell^y and his Majeft^y hon^{ble} Council doe concurr with the Houfe in their two Refolves That the Records now lodged at *James City* and belonging to the Secretarys Office and the Records belonging to this Houfe fhall be withall convenient Speed removed hither and put in their Proper places

Ordered That the confideraçon of the Examinations made by Colonel *Anthony Lawfon* M^r *John Thorowgood* and M^r *Edward Mofely* Sen^r and their report therevpon appointed for this day be referred til to morrow morning

And then the Houfe adjourned til to morrow morning nine a Clock—

Thursday Decemb^r the 19th 1700.

AMOTION being made by a Member of the Houfe That the Houfe be called over was agreed to and accordingly the Houfe was called over and the abfence of thofe that did not appear were excufed—

M^r Leigh from the Com^{tee} of Propofitions & Greivances to whom it was referred to prepare and bring in a Bill for making the *ffrench* Refugees on or adjacent to the land called the *Mannikin* Towne a Parifh of themfelves and to Exempt them from Publick and County Levys for feven yeares reported That the faid Com^{tee} had p^rpared the faid Bili which he delivered in at the Table where the fame being read the firft time and a Small time Spent in Debate when it fhould have a Second reading—

Ordered

Ordered. That the said Bill be read a Second time to morrow morning

M^r Cary from the Com^{tee} of publick Claimes to whom was referred the consideration of that paragraph in his Excell^s Speech relating to the Charge of the Pyrates and the Severall matters of Claimes concerning the Same reported That the said Committee had come to a Resolution therein which he read in his place and afterwards delivered it in at the Table where being againe read

Ordered. That the said Report do lye upon the Table

Then according to the Ord. of the day the House took into consideration the Examinations made by Col *Anth Lawson* M^r *John Thorowgood* and M^r *Edward Moseley* Sen^r and their report therevpon Pursuant to an ord^r of the last Assembly upon A Greivance then presented from *Norfolk* County.

And in the time of the debate a motion being made That y^e Burgeess of the said County have leave to Speake as often as they think necessary and Leave was given accordingly

And thereupon a long Debate being held and many Questions put And at last this One.

That the Greivances of *Norfolk* County upon w^{ch} the report aforesaid was made be rejected.

Resolved. In the affirmative

Then the House took into consideration the Sevall Resolutions of the Committee of Proposicons and Greivances reported Yesterday And upon consideration of the report of the said Committee made upon the Proposicons of Severall Inhabitants of the Countys of *Charles City* and *Ile of Wight* praying that the Law prohibiting the Exportation of Indian Corne may be continued—

The House agreeing to One part of the said Report and to another part disagreeing

Resolved That a Bill be prepared to continue the Act made the last Assembly prohibiting the Exportation of Indian Corne a year longer in force then is provided by the said Act

Ordered That it be referred to the Com^{tee} of Proposicons & Greivances to prepare and bring in the said Bill

And upon consideration of the Report of the said Committee made upon the Greivance from Severall Inhabitants of *James City* and *New Kent* Countys praying that Some method may be taken for the apprehending of a Runaway and Out lying Negro. The House agreed to the said Report viz^t

That the Lawes already made Sufficiently provide for the Apprehension and Punishment of Out Lying Negro's

And therefore

Ordered. That the said Greivance be rejected

And upon consideration of the report of the said Committee made upon the Greivance of Several Inhabitants of *New Kent* and *Henrico* Countys praying that a Bridge be built over *Chickahominy* Swamp convenient to both Countys And that the Law relating to the makeing of Bridges be amended—

The House agreed to the said report And

Ordered That the said Greivance be referred to the consideration of the next Session of Assembly

And. Upon consideration of the report of the said Com^{tee} made upon the Greivance from Severall Inhabitants of *Charles City* County on the Southside *James* River praying that they may be permitted to build a Court House on the Southside the s^d River And that the county may not be divided

The House agreed to the said report and

Ordered That the said Greivance be referred to the consideration of the next Session of Assembly.

And upon consideration of the report of the said Committee made upon the Greivances from *Middx* County and *Henrico* County praying that there be no Circular Judges—

Judges— The House agreed to the said report— That they are not fencible of any such Jurisdiction intended to be Established And therefore

Ordered That the said Greivance be rejected—

And upon consideration of the report of the said Committee made upon the Greivance from *Middfex* County praying that the Law for the Imposition of four pence ꝓ Gall: upon Liquors may be repealed. The House agreed to the said report And

Ordered That the said Greivance be rejected

And upon consideration of the report of the said Committee made upon the Greivances upon *Accomack* County relating to Survey^{rs} marking of trees and for the appointing Some way for the tryall of Criminalls in the County of *Accomack*. The House agreed to the said report *viz*^t

That the Lawes already made Sufficiently provide in those Cafes And therefore

Ordered That the said Greivance be rejected

And upon consideration of the report of the said Committee made upon Severall Greivances of divers Inhabitants of *Accomack* County The House agreed to the said report *viz*^t

That many Articles contained in the said Greivances are impertinent and frivolous and the rest already Sufficiently provided for by Law and therefore

Ordered That the said Greivance be rejected

And upon consideration of the report of the said Committee made upon the Petition of *Robert Blight* proposing that the Schoolmasters in every Parish may be chosen Parish Clerks

The House agreed to the said report and

Ordered That the said Petition be rejected—

And Upon consideration of the report of the Said Committee Made upon the Petition of *Joshua Broadbent* praying to be admitted to keep a ferry at *Tindalls* Point. The House agreed to the said report and therevpon

Ordered That the said Petition be rejected

And upon consideration of the report of the Said Committee made upon the Letter of M^r *John Walker* to his Excell^y to be admitted to Seat and to give other Encouragement to Some of the *French* Refugees— The House agreed to the said report *viz*^t

That the same doth not require the Assemblies Consideration but that the said *Walker* with his Excell^{ys} Permission may Extend his Charity to the said Refugees as he may think fit.

And upon consideration of the report of the said Committee made upon the Propositions and Greivances of Severall Inhabitants of *Surry* County. The House agreed to the said report *viz*^t

That the said Propositions & Greivances are matter of great Consequence and ought to be redressed And therefore

Ordered That the said Propositions and Greivances be referred to the consideration of the next Session of Assembly—

And upon consideration of the report of the said Committee made upon divers Greivances from severall Inhabitants of *Nanzemond Middfex Norfolk Elizab: City, Isle [of] Wright Charles City Accomack Northampton and Henrico* Countys. The House agreed to the said report *viz*^t

That many of the said Greivances containe matters of consequence that ought to be redressed And therefore

Ordered. That the consideration of the said Greivances be referred to the next Session of Assembly.

And upon consideration of the report of the said Committee made upon the Petition of Severall Inhabitants of *Pamunkey* Neck praying a Division of the said Neck from *King* and *Queen* County and that y^e sd Neck be made a County of it Self

The House agreed to the said report And

Ordered That the said Petition be referred to the next Session of Assembly

And

And upon confideration of the report of the faid Committee made vpon the Petitions of *Richard Hutchins* and *John Kingfton* about keeping of fferryes. The Houfe agreed to the faid report And

Ordered That the confideraçon of the faid Petitions be referred to the next Seffion of Affembly—

And upon confideration of the report of the faid Committee made vpon the Petition of *Nathān Harrifon* and *M^r James Mafon* for laying out the Bounds between *Surry* and *Charles City* Countys on the South fide y^e *Blackwater* The Houfe agreed to the faid report and after a Debate

Ordered That the confideration of the faid Petition be referred to the next Seffion of Affembly

And upon confideration of the report of the faid Committee made upon the Greivance frō. feverall Inhabitants of *Henrico* County praying that no Impofitions or taxes may be laid contrary to the Charter granted by his late Majefty King *Charles* the Second (of ever bleffed memory) to this his Colony & Dominion

The Houfe agreed to the faid report *viz^t*

Ordered That the faid Greivance be rejected.

That there are no Such impositions to their knowledge intended. And therefore.

Ordered That the faid Greivance be rejected

And upon confideration of the report of the faid Committee made upon the Greivance from Severall Inhabitants of *Henrico* County Setting forth that his late Majeft^y Royall Charter hath been infringed by an Opinion of the Attorney Geñ^l *viz^t* That the Buildings and Improvements made upon Lands Efcheated to his Majefty may be valued by the Jury finding the Efcheat. and that the Grantee may pay fo much for Compofition for the Same to his Majefty as fhall be thought reafonable.

The Houfe agreed to the faid report And

Ordered That the confideration of the faid Greivance be referred to the next Seffion of Affembly

And upon confideration of the report of the faid Committee made upon the Greivance from Severall Inhabitants of *Henrico* County praying a Regulation and Settlement may be made of Rights for the takeing vp of Land.

The Houfe agreed to the faid report And.

Ordered That the faid Greivance be referred to y^e Confideraçon of the next Seffion of Affembly.

And upon confid^a of the report of the f^d Com^{it}tee made upon the Greivance from *Northampton* County praying that fome courfe may be taken for prevention of mischeifs from Vnruly horfes and other Vnruly Creatures.

The Houfe agreed to the faid report and

Ordered That the faid Greivance be rejected.

M^r Cary from the Committee of Publick Claimes report^d That the faid Comitte had taken into confideration the Services and Attend^{ce} of the Committee appoint^d for Revifall of the Lawes and therein had agreed upon a report which he read in his place and then delivered it in at the Table. where being againe read and Some Debate had therevpon—

Resolved. That the Houfe do forthwith Refolve it Self into a Committee of the whole Houfe to take into confideration the faid report

And accordingly The Houfe Resolved into a Com^{it}tee of the whole Houfe to take into confideration the faid report and after Some time Spent therein *M^r Speaker* refumed the Chair and *M^r Leigh* reported that the Committee had agreed upon Severall refolutions which being late they could not well report til to morrow morning.

Ordered That the report of the faid Committee be made to morrow morning

And then the Houfe adjourned til to morrow morning Eight a Clock

Fryday

Fryday Decemb^r y^e 20th 1700.

A BILL for making the *ffrench* Refugees on or adjacent to the land called the *Mannikin Towne* a Parish of themselves and to Exempt them from Publick and County Levys for seven years was read a Second time And after Some time spent in debate touching Amendments

Resolved That the said Bill be ingrossed without any Amendment and read the third time in the afternoon—

Resolved. That the Title to the said Bill be an Act making the *ffrench* Refugees inhabiting at the *Mannikin Towne* and the parts adjacent a distinct Parish of themselves & Exempting them from the payment of Publick and County Levys for seven yeares—

A Committee for receiving inspecting & Examining the Treasurers Accounts of the Impositions ariseing upon Liquors and Serv^{ts} and Slaves

Mr *Gawin Corbin*.....Mr *Alex: Spence*

Mr *Robert Beverley*.....Mr *Gideon Maçon*

Ordd That the said Com^{tee} report their proceedings therein to the House

A Motion being made by a Memb^r of the House That the House be called over was agreed to and accordingly the House was called over

And thereupon a Debate ariseing and a Question put That the House do forthwith proceed to the consideration of the report of the Committee of Publick Claimes concerning the Pyrate Charge

Resolved In the affirmative

Then a Motion being made that the House resolve it Self into a Com^{tee} of the whole House to consider of the said report

Resolved That the House do forthwith resolve it Self into a Committee of the whole House to take into consideration the report of the Committee of Publick Claimes relating to the Charge of the Pyrates

And accordingly the House Resolved it Self into a Committee of the whole House to consider the Said report and after some time spent therein Mr *Speaker* resumed the Chaire and Mr *Corbin* reported that the said Committee had agreed upon Severall resolutions which he read in his place and then delivered them in at the Table where being againe read the House took the Same into immediate consideration and Resolved as followeth—

Resolved That the House doth disagree to the Resolve of the Com^{tee} of the whole House *viz*^t

That the Severall Charges relating to the Pyrates shall be paid

Resolved. That the House doth Agree to the Resolve of the Committee of the whole House *viz*^t.

That the Charge relating to the Pyrates is not a Country Charge.

And then the House adjourned til four a Clock in the afternoon

Post Meridiem

An Ingrossed Bill Intituled *An Act making the ffrench Refugees inhabiting at the Mannikin Towne and the parts adjacent a distinct Parish of themselves and Exempting them from the payment of Publick and County Levyes for Seven years*, being read a third time

Resolved. That the said Bill do pass

A Bill for continuing the Act prohibiting the Exportation of Indian Corne was read the first time and ordered a Second reading

Mr *Leigh* from the Committee of the whole House appointed to take into consideration the report of the Committee of Publick Claimes relating to the Services and Attend^{ts} of the Committee for Revivall of the Lawes Reported That the said Committee had agreed upon Severall Resolutions which he read in his place and then delivered them

in at the table where being againe read, the House proceed^d to the imediate consideration of the same and to Some part agreeing and to other parts disagreeing Resolved as followeth

Resolved That each Member of the Committee for Revifall of the Lawes be allowed for every daies Attendance upon the said Service after the rate of thirteen Shillings ⁷/_d day.

Resolved and accordingly

Ordered That the Clerk of the Committee for Revifall of the Lawes be allowed for his Several Services Transcripts and Attendance the Summe of ninty five pounds

Resolved and accordingly

Ordered. That the two Assistants to the Com^{tee} for the Revifall of the Lawes be allowed for every daies Attendance vpon the said Service after the rate of thirteen Shillgs ⁷/_d day to each of them

And that for their further Services in drawing Bills and other writeing at their owne houses they be each of them allowed the Summe of tenn pounds—

Resolved and accordingly *Ordered*

That *William Randolph* Clerk of the House of Burgeffes be allowed for three daies attendance upon the Com^{tee} for Revifall of the Lawes and for six daies comeing and going after the rate of thirteen Shillings ⁷/_d day.

Resolved and accordingly

Ordered That *John Remington* be allowed for his Attend^e on the Committee for Revifall of the Lawes as a Door keeper the Summe of ten pounds

Resolved and accordingly

Ordered That the Severall allowances to the Members Assistants and Clerk of the Committee for Revifal of the Lawes be paid out of the moneys ariseing from the Imposition upon Liquors.

Ordered That it be referred to the Com^{tee} of Publick Claimes to compute the Severall daies Attendance of each Member belonging to the Com^{tee} for Revifall of the Lawes and the Severall daies Attend^e of each of the Assistants and annex therevnto the respective Summes of money accrued due to every Person after the rate of thirteen shillings ⁷/_d day.

A Bill for continuing the Act prohibiting the Exportation of Indian Corne being read a Second time

Ordered. That the said Bill be ingrossed and read a third time

Resolved. That it be given as an Instruction to the Com^{tee} for Publick Claimes to allow each Member of the Committee for Revifall of the Lawes one day comeing and One day returning each time he was at the said Committee

An Ingrossed Bill intituled *An Act for continueing the Act prohibiting the Exportaçon of Indian Corne* being read the third time

Resolved The said Bill do pass.

Ordered That the Committee of Proposicons & Greivans do Carry to the Council the bill making the french Refugees inhabiting at the *Mannikin* Towne and the parts adjacent a distinct parish of themselves and Exempting them from the payment of Publick and County Levys for Seven yeares

And the Bill for continuing the Act prohibiting the Exportation of Indian Corne which this day passed the House & desire their Concurrence therevnto

And then the House adjourned til to morrow morning Eight a Clock

Saturday Decemb^r the 21th 1700

A MOTION being made by a Member of the House That the House be called over was agreed to and accordingly the House was called over

A Petition of M^r *Benjamin Harrison* for an Assurance of a better Allowance for his future Services and Attendance as an Assistant to the Committee appointed for Revifall of the Lawes being read

Ordered

Ordered That the consideration thereof be referred until the Committee of Publick Claimes have made their report of what lyes before them relating to the Allowances of the said Revifors

Resolved That an Address be prepared to Signifie to his Excell^y the Severall Resolutions of the House Upon consideration of the Sever^l Paragraphs of his Excell^s Speech made at the Opening of this Session

Ordered That it be referred to the Com^{tee} of Proposi^tions and Greivances to prepare the said Address

Ordered That it be given as an Instruc^{ti}on to the said Committee to insert in the said Address a Clause of Acknowledgment to his Excell^y for his Eminent Service done this Country in taking the Pyrates

Mr Cary from the Committee for Publick Claimes reported that the said Committee in their report made to the House on *Thursday* last had omitted to make report of two Articles relating to the Charge of the Pyrates in which the Committee having come to a Resolution he prayed leave to report the same which being admitted he read the said report in his place and then delivered it in at the table where being againe read

Ordered. That it be annexed to the report relating to the Charge of the Pyrates given into the House on *Thursday* last

Mr Cary from the Com^{tee} of Publick Claimes to whom was referred to compute the Sev^{al} daies Attend^{ts} of each Member belonging to the Committee for Revifall of the Lawes and the Severall daies attendance of the Assistants and annex therevnto the Severall Sumes of money accruing due to every person And also to allow each Member one day coming and One day returning each time he was at the said Committee reported They had made Computation of the same which he read in his place and then delivered it in at the table where being againe read and agreed to by the House These Resolves following were therevpon made

Resolved and accordingly *Ordered*

That Col. Hill for sixty three daies Spent in attendance at the Committee for Revifall of the Lawes and in going and returning from thence be allowed.....£40:19: 0

Resolved and accordingly *Ordered*

That Col. Mathew Page for Seventy four daies Spent in Attendance at the Committee for Revifall of the Lawes and in going and returning from thence be allowed.....£48:02: 0

Resolved and accordingly *Ordered*

That Colonel Benjamin Harrifon for Eighty daies Spent in attend^{ce} at the Committee for Revifall of the Laws and going & returning from thence be Allowed.....£52:00:00

Resolved and accordingly *Ordered*

That Co^l Cary for Eighty four daies Spent in Attendance at the Committee for Revifal of the Lawes and in going and returning from thence be allowed.....£54:12:00

Resolved and accordingly *Ordered*

That Cap^t John Taylor for forty three daies Spent in attendance at the Com^{tee} for Revifall of the laws and in going and returning frō thence be allowed..£27:19: 0

Resolved and accordingly *Ordered*

That Mr Robert Beverley for Seventy daies Spent in attendance at the Com^{tee} for Revifall of the Laws and in going & returning from thence be allowed.....£45:10: 0

Resolved and accordingly *Ordered*

That Major Anthony Armistead for sixty five daies Spent in Attendance at the Committee for Revifall of the Lawes and in going and returning from thence be allowed.....£42:05: 0

Resolved

Resolved and accordingly Ordered

That Colonel *Henry Duke* for fifty eight daies Spent in Attendance at the Committee for Revifall of the Laws and in goeing and returning from thence be allowed.....£37:14:00

Resolved and accordingly Ordered

That Major *William Buckner* for Seventy four daies spent in attendance at the Committee for Revifall of the Lawes and in goeing and returning from thence be allowed£48:02: 0

Resolved and accordingly Ordered

That Mr *Benjamin Harrison Jun^r* for fifty daies Spent in Attendance at the Comittee for Revifall of the Lawes be allowed.....£32:10: 0

Resolved and accordingly Ordered

That Mr *Barthm^w fowler* for forty Eight daies Spent in attendance at the Committe for Revifall of the Laws be allowed.....£31:04: 0

Resolved and accordingly Ord^d

That *William Randolph* Clerk of the House of Būrg^s for nine daies spent in attendance at the Committee for Revifall of the Laws and in going and returning from thence be allowed.....£05:17: 0

Then the Petition of Mr *Benjamin Harrison* for an Assurance of a better Allowance for his future Attendance and Services as an Assitant to the Committee for Revifall of the Lawes was taken into confideration and Some time being Spent in debate concerning the Same

Resolved. That the Services of the Assitants appointed to attend the Committee for Revifall of the Laws be further considered the next Session of Assembly.

A Message from the Council by Mr *Wright*

Mr *Speaker*

I am command^d by the Council to acquaint this House that vpon reading an Ingrossed Bill from this House intituled a Bill making the *ffrench* Refugees inhabiting at the *Mannikin* Towne and the parts adjacent a distinct parish by themselves & Exempting them from the payment of Publick and County Levys for Seven years the Council desires a free Conference imediately to be held in the generall Court House, and they have appointed three of their Members to conferr with Such a Number of the House as they shall appoint on the Subject matter of that Bill

Resolved That the House doth agree to the said Conference—

Ordered That Mr *Leigh*, Mr *Miles Cary*, Mr *Corbin*, Mr *Harrison* Mr *Bland* and Mr *Cocke* be the Managers for the House and that they forthwith withdraw and attend the said Conference

And they being returned Mr *Leigh* reported to the House the Severall passages and Subject matter of the said Conference Wherevpon a debate ariseing

The Question was put whether this House will give any Relief to the *ffrench* Refugees Seated at the *Mannikin* Towne and parts adjacent

And It Pasied in the Negative

Ordered That the Managers of the Conference forthwth withdraw and acquaint the Council with the Resolve of the House touching the Subject matter of the Conference, and they being returned

Mr *Leigh* reported to the House that according to the Order of the House they had waited upon the Council and acquainted them with the Resolve of the House

A Message from the Council by Mr *Wright*

Mr *Speaker*

I am comāded by the Council to bring into the House an Ingrossed Bill intituled *an Act for continueing the Act prohibiting the Exportation of Indian Corne* assented to by the Council, also

I am comāded by his Excell^y to lay before this House a Letter from Cap^t *Passenger* to be considered by the House—

Mr

Mr Cary from the Committee of Publick Claimes reported that the said Committee had taken into consideration the Severall matters of Claime to them referred and had agreed vpon divers resolutions therein which as vsuall they had Entred into One book called a Book of the reports of the Committee for publick Claimes and had directed him to report the said Book to the Houe And therevpon the said book of Reports being p'sented And a Debate arising

The question was put

That the report of the Committee for Publick Claimes be taken into imediate consideration

And it— Passed in the Negative

Ordd That the book of publick Claimes reported by the Committee do lye upon the table and be read and taken into Consideration on *Monday* morning

A Letter from Cap^t *Paffinger* Command^r of his Majest^s shipp the *Shorcham* referred by his Excell^y and Council to the consideration of the Houe being read

Ordered That it be referred to the consideration of the Houe on *Monday Morning*

Then the Houe adjourned til *Monday Morning Eight a Clock*

Monday December the 23rd 1700.

THE Houe (according to the ord^r of the Day) took into consideration Cap^t *Paffingers* Letter wherein he desires liberty to Import Rum for the Use of the Seamen on board his Majest^s Shipp *Shorcham* without paying the Imposi^{ti}on of four pence ꝑ Gall. And after some time Spent therein

Resolved That the Houe doth not think fit to grant the request made in the said Letter

A Message from his Excell^y by Mr *Wright*

Mr *Speaker*

His Ex^{ty} commands the imediate Attend^{ts} of this Houe upon him in the Gen^l Court Houe and accordingly the Houe went to attend his Excell^y and being returned— Mr *Speaker* acquainted the Houe That his Excell^y was pleased to say to this effect

That he had made inquiry of the State of the *ffrench* Refugees and had received Informa^{ti}on from Some of the Council from Mo^{rs}. *de Sailly* and the Minister of the *ffrench* Refugees— That the said Refugees had mostly since their Arrivall been Maintained by the Charity of the Inhabitants in the Upper parts of *James River* and that their necessitys were such that they could not Subsist without releife of all which the Houe might be better informed if they thought fit to inquire of them

That in order to their further Relief he had with the advice of his Majest^s honorable Council issued a Breif for the Relief of the *ffrench* Protestant Refugees recommended to the Gen^l Assenbly which Breif Mr *Speaker* acquainted the Houe his Excell^y was pleased to give to him and to say. That he had therein impowered two of the Council to receive the Donations and left a Blank for inserting Such other persons as the Houe should think fit And when the Council should vnderstand the Contribu^{ti}ons given therevpon they would proceed to the further consideration of the Bill relateing to the *ffrench* Refugees Sent by the Houe for their Concurrence. Then the f^d Breif was read at the Table and Severall Members having made Subscrip^{ti}ons thereunto

Ordered That a Message be forthwith sent to his Excell^y and the Council to acquaint them that the Houe is well satisfyed from his Excell^{ys} Information of the present necessity of the *ffrench* Refugees without any further Inquiry That Severall of the Members have Subscrib^d to the Breif what they think fit to bestow towards their Relief that the Houe is of Opinion that those Honorable persons his Excell^y has been pleased to impower to receive the Donations are Sufficient and therefore they have added no more And that the Houe doth hope that for the future benefit of the said Refugees the Council will be pleased to assent to their Bill in that behalfe

Ordered That the Committee of Claimes carrye the said Message. And they being returned Mr *Cary* acquainted the Houe That they had deliver^d the said message

A Bill making the *French* Refugees inhabiting at the *Mannikin* Towne and the parts adjacent a distinct Parish of themselves—and Exempting them from the payment of publick and County Levys for Seven yeares returned from the Council assented to with the Proposition of some Amendments. and then the said Amendments being read three times at the Table The House agreed to the same and made them in the Bill accordingly—

Ordered That it be given as an Instruction to the Com^{tee} of Propositions and Greivances to whom it is referred to prepare an Address to his Excell^y signifying the Severall Resolutions of the House upon the Severall Paragraphs of his Speech to insert a Clause in the said Address empowering his Excell^y with the advice of the Council to continue the Rangers in *Stafford* County as occasion shall require and vpon any Emergency to raise a Suitable force for Security of the County to be paid by the Publick

Then according to the Order of the Day The House took into consideration the Book of Reports of the Committee for Publick Claimes And having read the same thorow the Severall Articles therein contained were agreed to by the House with Such Additions and Alterations as are noated downe in the body and Mergent of the said Book of Reports

Ordered That it be referred to the next Session of Assembly to consider of some method to prevent the Inhabitants of *Maryland* frō Committing Runaway Servants out of this Government to Prison and there keeping them til the Charge amounts to more then the value of the Servants

Resolved That the House do forthwith resolve it Self into a Committee of the whole House to take into consideration the Allowances for the respective Officers that have attend^d this and the last meeting of Assembly together with all Such further allowances as remaine to be added to the Book of Reports of the Committee for Publick Claimes— And accordingly the House resolved it Self into a Committee of the whole House to take the said Allowances into consideration And after Some time Spent therein M^r *Speaker* resumed the Chaire and M^r *Cary* reported that the said Committee had agreed upon Severall Allowances which he read in his place and then delivered them in at the Table where being againe read the same were agreed to by the House and annex to the Book of Reports of the Committee for Publick Claimes—

Ordd. That the Committee of Publick Claimes do forthwith carrye to the Council the Book of Reports of the said Committee together with the Additions this day made in the House thereunto And also

The Severall Resolves of this House concerning the Allowances made to the Revivers of the Lawes and desire their Concurrence to the Same

Ordered That the said Committee carrye with them the Bill for making the *French* Refugees inhabiting at the *Mannikin* Towne and the parts adjacent a distinct Parish by themselves and Exempting them from the payment of the Publick and County Levys for Seven yeares to shew the Council that the House hath agreed to the Amendments proposed by their Hon^{rs} and incerted them in the said Bill—

The House being informed by a Member of the House That the Messenger attended at the Door with *Samuel Selden* to answer his Breach of Priviledge. The said *Seldon* was therevpon called into the House where having confessed that on the Second or third Instant a Declaration in Ejectionment was delivered at the House of M^r *Robert Beverley* a Member of this House he was ordered to withdraw—

And then the House adjourned til tomorrow morning Eight a Clock

Tuesday December the 24th 1700.

MR *Corbin* from the Committee appointed for receiving inspecting and Examining M^r *Treasurers* Accounts of the Impositions arising upon Liquors Servants and Slaves reported That they had done the same and that they did find due upon Ballance One Thousand Ninty three pounds three shillings nine pence three farthings— And that the Said Committee had made a Noat of severall matters occurring

occurring to them in their proceedings which he read in his place and then delivered it in at the Table where being againe read and considered by the House—

Ordered. That the said Committee desire Mr *Treasurer* to take care That *Ralph Wormley Esq.* and *Richard Lee Esq.* make Oath to their respective Accounts and that he make Oath to his Treasurers Account according to Law And the said Committee having made report that Colonel *William Wilson* in his last account of the Imposition upon Liquors mentions thirteen Pipes and half of wine which was imported and carried out againe without payment of the duty for the same

Resolved. That It is the Opinion of the House That the Importers of the said Wine ought to be prosecuted at the Common Law And that it is the duty of the Attorney Generall to take Care thereof.

Ordered That the Clerk of the House give a Copy of this Resolve to his Majesty's Attorney Gen^l

Ordered. That the Representation which the Committee for receiving Mr *Treasurers* Accounts hath made concerning the Non Payment of Some ffort Dutys be laid before his Excell^y and the Council to take such methods therein as they shall think fitt

Ordered That Mr *Treasurer* deliver into the House the Severall Collectors accounts given to him. And also the severall warrants upon which he hath paid any money

Mr *Leigh* from the Committee of Propositions and Greivances reported That the said Committee had according to the Order of the House prepared an Address to his Excellency which he read in his place and then delivered it in at the table where being again read as followeth

To his Excell^y Francis Nicholson Esq^r his Majesty's L^t and Govern^r Gen^l of Virginia

The humble Address of y^e House of Burgeffs
May it Please yo^r Excell^y

Wee his Majesty's most Loyall and Dutifull Subjects the Burgeffes now assembled having taken into our Serious Consideration the Severall paragraphs of yo^r Excell^y Speech made at the Opening of this Session do humbly take leave to Signifie to yo^r Excell^y That as to that Parāgh of Yo^r Excell^y Speech relating to the Marquis *De La Muce* and the Settlement of the *ffrench* Refugees. Wee have Resolved That it doth not appear that the *ffrench* Refugees seated on or adjacent to the Land comonly called the *Mannikin* Towne are under Such pressing necessity or want as to be accounted Objects of present Charity— But this House being willing to give all Suitable Encouragement to their Settlement have passed a Bill to make the Inhabitants of the *Mannikin* Towne and the parts adjacent a distinct parish by themselves And have also Exempted the Setled Inhabitants of that Parish from the payment of Publick and County Levys for the Space of Seven yeares— As to that Paragraph of yo^r Excell^y Speech laying before us the Lords Letter concerning the Building and Erecting a House for the Govern^r Wee have resolved That this Country is not at this time in a Capacity to Sustain So great a Charge there being many Publick Debts and other contingent Charges to defray and the Capitol Stil to be built As to that Parāgh. of your Excell^y Speech relateing to the Settling and regulateing the Claimes and Publick Debts Wee have considered them as vsuall, But as to that Parāgh. relateing to the Pyrates Wee have Resolved That the Charge relateing to the Pyrates is not a Country Charge But forasmuch as in the taking of those Pyrates yo^r Excell^y was pleased to Expose yo^r person to so much danger and that it pleased God to prosper yo^r Excell^y valour and Conduct with that Success as to make them a meanes not only of redeeming Severall Shipps and Men Captives to those Pyrates but in all likelihood of Extraordinary Service and Security to the Inhabitants of and the Shipps tradeing to this his Majesty's Colony and Dominion Wee esteem it a duty incumbent vpon us to remember those Services with a gratefull Acknowledgment and not to slip this Opertunity of rendering our bounden Thanks to yo^r Excell^y for that Expedition As to the last Parāgh. of yo^r Excell^y Speech Wee have appointed a Committee to make vp and Settle the Publick Accounts with Mr *Treasur* And as to the Rangers of *Stafford* County. Wee have resolved That they shall be paid. And Forasmuch as it is vncertain what
future

future Occasion there may be of continuing the said Rangers or of raising more for the defence and Security of this Dominion Wee humbly leave it to yo^r Excell^y with the advice of the Honble Councill to continue or raise Such Soldiers as the Emergency shall require til the meeting of the next Session of Affembly to be then paid by the Publick trusting that yo^r Excell^y will be pleased to discontinue and disband them for the Ease of this Dominion as the prospect of the danger ceases and the Clause for which they shall happen to be raised. As to other parts of yo^r Excell^s Speech and Some Messages from yo^r Excell^y we conceive they are already answered by Severall Messages from this House to yo^r Excell^y To conclude as it was our misfortune to find yo^r Excell^y very much indisposed at the Opening of this Affembly So we cannot but heartily congratulate yo^r Excell^s Recovery at the Conclusion of this Session

The same was agreed to by the House without any Amendment

Ordered That the said Address be forthwith fairly ingrossed in Ord^r to be presented to his Excell^y

The Petition of Mr *Barth^o fowler* for an Allowance for his Attend^{ce} at the last meeting of the Affembly being read and considered

Ordered. That he be allowed for his said Attendance the Sum^e of two thousand pounds of Tobacco and Caske and that this order be Sent to the Council for their Concurrence—

Then the House ordered *Samuel Selden* in Custody of the Messenger for breach of Privilege to be brought into the House where being heard what he had to say in the defence or Extenuation of his fault he was ordered to withdraw And being withdrawne

Ordered That he be discharged our of Custody of the Messenger paying his fees—

A Motion being made by a Member of the House

Resolved. That It is the Opinion of the House *Nemine Contradicente* That Mr *Speaker* has discharged^d the duty incombent vpon his place duly and faithfully and done great Service this Session and that he ought to have the Acknowledgment and Thanks of the House for the same. And therevpon a Member of the House in the name of the whole returning Mr *Speaker* Thanks accordingly

Mr *Speaker* was pleased to say

Gentlemen

What Service I have done you I took to be my duty and am very well satisfied it proveth acceptable to you. You may be assured as long as I have the hono^r to sit in this Chair I shall Exert the utmost of my Endeav^{rs} for yo^r Service according to the best of my Vnderstanding—

Then the Address to his Excell^y being fairly Ingrossed and presented by the Clerk at the Table

Resolved That the said Address be presented to his Excell^y by the whole House

Ordered That the Committee of Propositions and Greivances forthwith wait upon his Excell^y to know his pleasure when the House shall attend his Excell^y with their Speaker to present the said Address

And they being returned Mr *Leigh* reported That they had delivered the said Message to his Excell^y And that his Excell^y was pleased to say. The House should have notice from him concerning the Same—

A Message from his Excell^y by Mr *Wright*

Mr *Speaker*

His Excellency commands the imediate Attend^{ce} upon him in the Gen^l Court House and accordingly the House went to attend his Excellency. and being returned Mr *Speaker* reported That his Excell^y was pleased to make a Speech and to give him Severall Papers to wit.

Certain Instruc^ōns from the Lords Juitices.

The Ballance of the Quitt Rents—

Mr *Audit^r Birds* acco^t of the two shillings ⁷/₈ hhd and Port dutys and His Majest^{ys} Commands for the paym^t of Sr *Edmond Andros*

That

That to prevent Mistakes which might happen the weaknes of his memory he had prayed and obtained a Copy of the said Speech and therefore read the same as followeth

Genll.

I thank you for yo^r ready Compliance in answering the Purport of the Breif I Sent you concerning the *ffrench* Protestant Refugees and yo^r Liberall Contribucons in their Reliefe— And.

I heartily wish that for the Reputacon of the Country you had as readily beleived what I said to you concerning the matter of the Pyrates as that of the *ffrench* Protest^t Refugees I think myself bound both in duty to his Maj^{ty} and also to the great Esteem and respect I have unto Assemblies in Generall and to all the Inhabitants of this his Majest^s Colony and Dominion of *Virginia* once more Earnestly to recommend that Affair to yo^r Consideration. I hope you have no just occasion to find fault with the Management of that affair from the first to the last And therefore in my Opinion the Charge of that ought to be paid or p^resented by you as an Aggreivance.

Gentlemen.

I here given yo^r Speaker a Copie of Some of their Excell^s the Lords Justices Instructions to me together with an Abstract of the Honorable M^r Auditor *Byrds* account of the two shillings 7^d hhd &c. together with his Majest^s Royall Commands to me for the paying S^r *Edmund Andros* late his Majest^s L^t and Govern^r Gen^l of this Colony by which you will find how little there is remaining for paying the contingent Charges of the Government— There is also the Ballance of his Majest^s Revenue of the Quitt Rents for the year past And by One of the Instrucons you will See that I cannot dispose thereof without his Majest^s P^rticular Directions therein—

Genll,

when I receive yo^r Answer to what I have formerly and now Spake vnto you concerning the Pyrates. His Majest^s Hon^{ble} Council will returne you the Book of Claimes So God Almighty direct you for the best

Then notice being given That the Houfe should forthwith attend his Excell^y in the Gen^l Court Houfe to p^resent their Addres—

M^r *Speaker* and the Houfe went to attend his Excell^y accordingly.

And being returned M^r *Speaker* reported that he had presented the said Addres to his Excell^y And that his Excell^y upon hearing the Same read was pleased to say many things which he repeated according to the best of his Remembrance—

Resolved That the Houfe will on *Thursday* morning take into consideration his Excell^s Speech made this day together with all the Papers relating to the same

And then the Houfe adjourned til *Thursday* morning Eight a Clock.

Thursday Decemb^r the 26th 1700.

ORDERED That the Committee appointed to receive M^r *Treasurers* Accounts do lay before his Excell^y and Council the Rep^resentacon made by the said Com^{tee} concerning the Non payment of some s^{ort} Dutys.

Then according to the Order of the day The Houfe took into consideration his Excell^s Speech made to the Houfe on *Tuesday* last and after Some time Spent therein

Resolved. That his Majesty be p^resented with the Sum^e of four hundred and twenty pounds for and towards payment of the Charge accruing by the Pyrates and that the Same be paid out of the Imposition upon liquors as it shall from thence arise

Ordered That this Resolve be sent to the Hon^{ble} Council for their Concurrence

And that the Committee for Publick Claimes carrye the same

Resolved. That an Addres be made to his Majesty Setting forth the p^resent Circumstances of the Country and to pray that his Majesty will be gratio^sly pleased to bestow the Ballance of his Quitt Rent Fund. to the better defraying the contingent charges of this his Government upon Extraordinary Expences—

One of the Instructions from their Lordships the Lords Justices bearing date at *White-hall*. the thirteenth day of *September* 1698 in the tenth year of his Majestys Reigne being read at the Table as followeth

You shall not permitt his Majestys Revenue to be anticipated for the future nor Suffer any Publick money whatsoever to be issued or disposed of otherwaies then by warrant vnder your hand by and with the advice and consent of his Majestys Council there, but the Assembly may be nevertheless Permitted from time to time to view and Examine the Accounts of money disposed of by virtue of Such Lawes as are now in force or shall be passed by them which you are to Signifie to them as Occasion shall Serve—

Ordered That the said Instruction be Referred to the Consideration of the next Session of Assembly to the end Such Inspection may be then made in the Accounts therein mentioned as shall be found necessary—

A Message from the Council by Mr *Wright* who brought into the House

A Bill making the *French* Refugees inhabiting at the *Mannikin* Towne and the parts adjacent a distinct parish by themselves and Exempting them from the payment of Publick and County Levys for Seven Yeares assented to by the Council—

The Book of Reports of the Committee for Publick Claimes assented to by the Council with the Proposicon of some Addicons to be made thereunto—

The Severall Resolves of this House concerning Allowances made to the Revisors of the Lawes with the Proposicon of an Addicon thereunto—

And the Resolve of this House about an Allowance to Mr *Fowler* Clerk of the Committee of Proposicons and Greivances for his Attendance the last meeting of Assembly. Assented to by the Council—

Then the Addicons proposed by the Council to the Book of Reports of the Committee for Publick Claimes and to the Resolves of this House concerning Allowances to the Revisors of the Lawes being Severally read

Resolved That the House doth agree to the said Severall Additions and that the same be entred in the said book of Reports and Resolves—

Ordered That the Committee for Publick Claimes do forthwith carrye to the Council the Book of Reports of the said Committees and the Resolves of this House concerning Allowances to the Revisors of the Lawes for their view That this House hath agreed to and made the Severall Additions. thereunto proposed by their Honrs—

Mr *Corbin* acquainted the House that the Comtee appointed for receiving Mr *Treasrs* Accounts of the Impositions had according to the Order of the House laid before his Excellency and Council the representation of the said Committee concerning the Non payment of some sfort dutys

And then delivering it at the Table Mr *Treasrs* Gave account of the Imposicons dated the 16th Instant which was certified to be Sworn to before his Excellency and the Council. the said Account was read and passed the House

Ordered That the Committee appointed to receive Mr *Treasurers* Accounts forthwith attend the Council and acquaint them that the House hath read Examined and passed Mr *Treasurs* Account of the Imposicons and desire their Honrs Concurrence thereunto—

A Committee for proporconing the Publick Levye—

Mr *Miles Cary* Chairman

Mr *Tho: Wellburn*..... Mr *William Tayloe*

Mr *Gideon Macon*..... Mr *Richard Bland*

Mr *Alexandr Spence*..... Mr *Thom Milner*

Mr *Joseph ffofter*..... Mr *Edw^d Moseley*.

And then the House adjourned til four a Clock in the afternoone

Post Meridiem

A Message from the Council by Mr *Wright* who brought into the House

Mr *Treasurs* Account of the Impositions assented to by the Council—

The Book of Reports of the Committee for Publick Claimes affented to by the Council

And then the Refolves of the Houfe about the Allowances to the Revifors of the Lawes affented to by the Council—

His Ex^{ty}s appointment of *Edmund Jenings* Efqr to attend the Committee for Revifall of the Lawes in the room of *Edward Hill* Efqr deſed.

And alfo a Propoſition from his Excellency and Council being Severally read as followeth

By his Excellency.

Whereas the Hon^{ble} *Edward Hill* Efqr who was appointed by Act of Affembly One of the Committee to Revife the Lawes is lately dead The Hon^{ble} *Edmund Jenings* Efqr is appointed (by his Excellency in Council) to be joyned to that Committee in his ſtead

By his Excell^y and the Hon^{ble} Council

Whereas It is found that the Com^{tee} appointed by Act to revife the whole body of the Lawes have been often obſtructed therein which is Conceived to be occaſioned by a Sufficient Number of the Members of that Committee not meeting at the time appointed. For the preventing and Remedying whereof for the future and to advance the ſaid work with all diligence they not having any Coercive or Determinative Power of themſelves. It is propoſed by his Excell^y and his Maij^{ty} Hon^{ble} Council to find out ſome Expedient to Act with a Leſſer number which is thought may very well be done by an Ordinance of Affembly—

Refolved. That a Bill be prepared to Enable One of the Council and any two of the Burgeſſes appointed of the Com^{tee} for Revifall of the Lawes to proceed as a Committee at any meeting when it So happens That a greater number doth not appear—

Ordered That It be referred to the Committee of Propoſitions and Greivances to prepare and bring in the Said Bill—

Ordered That the Clerk deliver to Mr *Treaſur* his Account of the Impoſitions which this day paſſed the Houſe And that a Duplicate thereof be filed amongſt the Papers belonging to this Houſe

And then the Houſe adjourned til to morrow morning Eight a Clock.

Fryday Decemb^r the 27th 1700.

THE Refolve of the Houſe wherein his Majeſty is preſented with four hundred and twenty pounds for defraying the Charge of the Pyrates returned affented to by the Council—

Mr *Leigh* from the Committee of Greivances and Propoſitions to whom it was referred to draw an Addreſs to his Majeſty about the Quitt Rent fund reported That the ſaid Committee had prepared the 1st Addreſs which he read in his place and then delivered it in at the Table where being againe read the Same was agreed to by the Houſe—

Ordered That the Committee of Propoſitions and Greivances do forthwith carrye the ſaid Addreſs to the Council and deſire that they will be pleaſed to joyne with the Houſe in the ſame—

A Bill for the more Effectuall and Speedy carrying on the Revifall of the Lawes being read the firſt time

Ordered That the ſaid Bill be read a Second time—

Mr *Cary* from the Committee for Propoſconing the Publick Levye reported that they had done the ſame And that it amounted unto nine pounds of Tobacco 7th pole leaving Sev^l Depositoes *viz*

A Deposito of three Thouſand pounds of Tobacco in *Princeſs Anne* County.

A Deposito of two hund^d & Eleven pounds of Tobacco in *Northumberland* County.

A Deposito of nineteen hundred fifty two pounds of Tobacco in *Accomack* County.
And

A Deposito of three Thousand twenty nine p^{ds} of Tobacco in *Northampton* County.

A Bill for raising a Publick Levy being read the first time

Ordered That the said Bill have a Second Reading

M^r *Leigh* reported That the Persons appointed had delivered the Address of the House to his Majesty according to ord^r and desired the Council to joine with the House in the same.

A Petition of *Edmund Jenings Esq^r* as well for and in behalf of himself as others claiming the Land between the two *Herring* Creeks on *Mattapany* in *Pamunkey* Neck being read and considered.

Ordered That the Severall persons which the s^d petition^{rs} conceives to be illegally Seated upon the said Land do attend the Tenth day of the next Session of Assembly to manifest their Titles or pretences to the same having due notice given them of this Ord^r by the Petition^{rs}

Then the House adjourned til One a Clock in the afternoon

Post Meridiem

A Bill for the more Effectuall and Speedy carrying on the Revivall of the Laws being read a second time—

Resolved That the said Bill be ingrossed and read a third time

A Bill for raising a publick Levy being read a Second time

Resolved That the said Bill be ingrossed and read A third time—

A Bill for the more Effectuall and Speedy carrying on the Revivall of the Lawes being read a third time

Resolved That the said Bill do pass

A Bill for raising a Publick Levy being read the third time

Resolved That the said Bill do passe—

Ordered That the Committee for proporcioning the publick Levy carrye the said two Bills to the Council and desire their Concurrence therevnto—

A Message from the Council by M^r *Wright* who Brought into the House

The Book of Proporcons of the Publick Levy assented to by the Council

And the Address of the House to his Majesty about the Quitt Rent Fund assented to by the Council with the Proposicon of severall Amendments which said Amendments being read the House agreed thereunto & made them in the Address which said Address was as followeth

To the Kings Most Excell^t Majestie

Wee Yo^r Majest^y most Loyall and Dutifull Subjects yo^r Maj^{ty} Council and the Burgeesses of this present Gen^l Assembly do in all humility Begg leave to rep^{se}nt to yo^r Majesty That this yo^r Majests most antient Colony and Dominion of *Virginia* is at this time vnd^r very low and needy Circumstances being ingaged in many Publick Debts and Charges That it hath already been at a very great Expence in provideing for the building A Capitol for the Seat of Gen^l Assemblys Courts and the Severall Offices there-to belonging, In carrying on the Revivall of the Lawes So farr as is therein proceeded in maintaining Severall Soldiers on the ffrontiers and in paying many other contingent Charges. That the Capitol will want a Considerable Summe of money more to finish it And the Revivall of the Lawes not a little— That it is not knowne how long there will be a necessity of keeping the Soldiers already raised at the ffrontiers or what occasions there may be of raising more. That the Charge of building a House for yo^r Majest^y Govern^r st^{il} lyes upon us And that notwithstanding the Circumstances aforesaid to manifest our dutyfull and Loyall inclination to do as much as Wee are able for your Majesties Service Wee have this Assembly out of the Imposition as it shall arise upon Liquors presented to yo^r Majesty the Summe of four hundrd and twenty pounds *Sterling* for and towards the defraying a Charge accruing upon taking a Shipp of Pyrates the last *April*
the

the same being an Extraord^y and Eminent Service. So that all the ffunds appropriat^d for the Support of this Government and the contingent Charges and more P^ticularly the Fund for building the Capitol. Revitall of the Lawes and Lessning the Levy by the Poll are quite exhausted and this y^or Majest^y antient and great Colony will be brought vnder a necessity to run in Debt for the carrying on of those Workes without a Prospe^{ct} of getting Sufficient for payment in any reasonable time--

Wherefore out of a Due Sence of yo^r Majest^y Royall Bounty towards all yo^r Majest^y Loyall and dutifull Subjects and yo^r Majest^y princely Commiseration of all Such of them as are vnder Preffures and want. We do now humbly p^rfume to lay before y^or Majesty the aforesaid Representa^{co}n of the present State and Condition of this y^or Majest^y most antient Colony and Dominion humbly beseeching yo^r Majesty will be gratio^sly pleased in yo^r Princely Goodness to bestow Such a Summe out of yo^r Majest^y Quitt Rents here as yo^r Majesty in yo^r Royall Grace shall See convenient for and towards the carrying on the building of the Capitol. the payment of the future Charges which will accrue upon the Revifall of the Lawes, the building of a House for the Govern^r and what other contingent Charges may hereafter arise in this yo^r Majest^y Colony and Dominion upon any Extraordinary Exigence. And on our part as this Country has been alwaies ready to pay Obedience to yo^r Majest^y Royall Commands So we have been and ftil are vnfeignedly Resolved to Serve y^or Majesty with all Loyalty and Obedience to the vtmost of o^r poor Abilitys and to Testifye o^r Selves

Your Majesties

Most Loyal

And Obedient

Subjects

Ordered That the Committee of Proposi^{co}ns and Greivances do forthwith carrye the said Addres to the Council for their view. That the House hath agreed to and made the Amendments therein according to the Proposi^{co}n of the Council And being returned M^r *Leigh* reported they had carryed the said Addres to the Council accordingly.—

A Message from the Council by M^r *Wright* who brought into the House the Addres of the House to his Majesty ab^t y^e Quitt Rent Fund. And

A Bill for the more Effectuall and Speedy carrying on the Revifall of the Lawes assented to by the Council with the Proposi^{co}n of One Amendment Which Amendm^t being read three times the House agreed thereunto and made the Same in the Bill accordingly.

Ordered That the Com^{it}tee for proporconing the pūbl Levy do forthwith carrye the said Bill to the Council for their view— That the House hath agreed to and made the Amendm^t therein according to the Proposition of the Council — And being returned M^r *Cary* reported That (according to the Ord^r of the House) they had carryed the said bill to the Council and that the Council were pleased to returne the same againe to the House by them which he delivered in at the Table —

A Message from the Council by M^r *Wright* who brought into the House

The Rep^rsentation of the Committee appointed for receiving M^r *Treasurers* Accounts of the Imposition concerning the Non payment of some ffort Dutys in the Lower Distri^{ct} of *James River* together with the Collectors Answer thereto and his Excell^y and the Councils Opinion therevpon which were read in the House

And an Ord^r of his Excellency in Council relateing to L^t Cō^l *George Mason* and the Rangers in *Stafford County* which was read as followeth.

Whereas the Gēn^l Assembly of this his Majest^y Colony and Dominion of *Virg^a* now Setting at his Majest^y Royall Colledge of *William and Mary* adjoyning to the City of *Williamsburg* have Levyed the Summe of Twenty four thousand Eight hundred and forty pounds of Tobacco to be paid to two Leiv^{ts} and Twelve Rangers raised by Leiv^t Cōl *George Mason* in *Stafford County* by Order of his Excellency and the Honorable Council

Now to the end That a true and just Account of their Service may be rendered It is the Opinion of the Council and accordingly Ordered That the aforesaid Leiv^t Colonel

George

George Mason render a true and Exact Account upon Oath of the time when each respective Leivtenant and Ranger entred into the aforefaid Service and the time of their Continuance therein And that the faid Rangers may be no longer a Burthen to this his Majest^y Colony and Dominion of *Virginia* the prospect of the danger and cause for which they were first raised now Ceasing the aforefaid Leiv^t Colonel *George Mason* is hereby required and Command^d to disband the aforefaid Soldiers at or upon the tenth of *January* next And if for the future any occasion should offer (which God forbid) that might cause a New Levye of such forces he is to take all possible Care that they be raised out of the Lower parts of the aforefaid County of *Stafford* and to provide by all meanes possible That there be no occasion for Standing Rangers. For the better Effecting whereof he is to take Care that the Act of Cohabitation in the frontier Countys be duly put in Execution And Lastly he is to advise the Inhabitants of the aforefaid County not to be Alarmed with every small matter that shall happen

And also the Address of his Excell^y the Govern^r Council and Burgeesses to his Majesty which being read as followeth

To the Kings most Excell^t Majest^y.

Most dread Sovereigne

Wee the Govern^r Council and Burgeesses of this yo^r Majest^y most antient Colony and Dominion of *Virginia* being now mett in a Gēn^l Assembly humbly begg leave to make vse of this publick Occasion to acknowledge the present Peace and happiness we enjoy which vnder God Almighty wee owe to yo^r Majest^y great Care and pains in p^rserving Peace at home and abroad fresh Instances whereof you have given to the World in yo^r So Successfull interposeing to compose the differences between the North-erne Crownes and to prevent those that were ready to Ensue in Case of the death of the King of *Spain* which had it not been for such provident and watchfull Care might have endangered us and your Majesties other Plantation in *America*. Wee begg yo^r Majesty to beleive That we are resolved never to be wanting in any Expressions of duty and Gratitude within the Compass of our weak Capacity and Gratioufly to accept all o^r Endeav^{rs} of approving our Selves.

Yo^r Majesties

Most Loyall

and Obedient

Subjects

Ordered. That the Committee of Proporcōns & Greivances do carrye the said Address to the Council and acquaint the Council the House agreed to the said Address and were ready to joyne with his Excell^y and Council in the Same—

Resolved That a Message be Sent to the Council And that the Council be desired to joyne with the House and pray his Excell^y to favour the House with his Assistance That the Address of the House about the Quitt Rent Fund be p^rsented to his Majesty.

Ordered That M^r *Cary* and M^r *Bland* do forthwith withdraw and examine the Several Bills which are Inrolled to the end they may with all convenient Speed be Sent to the Council for their Pervfall.

And being returned M^r *Cary* reported They had Examined the Inrolled Bills and that the same do truely agree with the Ingrossed Bills—

Ordered That the Committee of Proposicōns & Greivances do carry both the Inrolled Bills and the Ingrossed Bills to the Council for their Examination and pervfall

And also That they (according to the Resolve of the House) desire the Council to joyne with the House and pray his Excellency to fav^r the House with his Assistance That the Address of the House about the Quitt Rent Fund be p^rsented to his Majesty

And being returned. M^r *Leigh* reported they had carryed the Inrolled Bills and the Ingrossed Bills and delivered the message to the Council

A Message from the Council by M^r *Wright* who brought into the House the inrolled Bills and the Ingrossed Bills

And the Address of his Excell^y the Council and Burgeesses to his Majesty.

And

And also acquainted the House That his Excellency desired the Members of each Particular County to Signe the said Addres and to put the Name of their respective County thereunto which was accordingly done by the Members then present

Ordered That the Committee of Propositions and Greivanc^s do returne the said Addres to the Council

A Message from his Excell^y by M^r Wright

M^r Speaker

His Excell^y commands the imediate Attendance of this House on him in Council in the Great Hall—

And likewise commands the House to bring with them the Inrollment of such Bills as the House have agreed vpon

And accordingly the House went and attended his Excell^y in the great Hall and carryed the Inrolled Bills to his Excell^y

JOURNALL

OF THE

HOUSE OF BURGESS^s

ATT A

GEN^RALL ASSEMBLY

Begun att his Majest^{ts} Royall Colledge of *William* and *Mary* adjoyning to the City of *Williamsburgh* the fifth day of *December* in the twelfth year of the Reigne of our Sovereigne Lord *William* the third of *England Scotland ffrance* and *Ireland* King Defender of the faith &^c *Annoq, Domini* 1700 & thence continued by Severall Prorogations to the 6th day of *August* 1701 In the thirteenth yeare of his Maj^{ts} Reigne—



RICHMOND, VIRGINIA.

MCMXIII.

JOURNALL

of the

HOUSE OF BURGESSES

Wenesday August the Sixth 1701

MR *Speaker* and thirty five Burgeſſ^s being mett in the Houſe the Certificate of the Honorable *Edmund Jennings* and *Jⁿ Lightfoot Eſq^r* that they had Adminiſtred the Oathes Appointed by Act of Parliament to be taken inſtead of the Oathes of Allegiance and Supremacy the Teſt and Affociation and the Oath of a Burgeſſ of this preſent Gen^lall Aſſembly to M^r *George Maſon* was delivered in at the table and read att the houſe

And then the houſe Adjourned till to morrow Morning Nine a Clock

Thursday Aug^t the 7th 1701

A MESSAGE from his Exc^{ll}^y by M^r *Wright*
M^r *Speaker* and Gent of the Houſe of Burgeſſ^s
His Exc^{ll}^y Commands the immediate attendance of this houſe upon him in the great roome where the Committee for Revifall of the whole body of the Lawes uſually ſett

And accordingly the houſe went to attend his Exc^{ll}^y

And being returned M^r *Speaker* acquainted the houſe That his Exc^{ll}^y was pleaſed to make a Speech and to deliver him three Letters *Viz^t* his Maj^{ty} Letter concerning Aſſiſtance to be given to the Province of *New York*—

The Governour of *New Yorks* Letter of the 20th of *May* laſt and M^r Secretary *Vernons* Letter concerning a Squadron of french men of warr &c^a

That to prevent ſuch miſrepresentations of the Subject matter contained in the Said Speech as he might happen to make through weakneſs of memory he had prayed and obtained a Copy w^{ch} together wth y^e three Letters aforeſ^d were read att the Table his Exc^{ll}^ys Speech being as followeth

Honorable Gentlemen

His Maj^{ty} Royall Commands of the 19th of *January* laſt &c^a concerning Aſſiſtance to be given to his Maj^{ty} Province of *New York* &c^a I have had the honour to receive and that you may fully underſtand his Maj^{ty} Royall pleaſure therein I give to M^r *Speaker* his Maj^{ty} Letter to me concerning that affaire alſo the R^t Honorable *Jⁿ Nanſan Eſq^r* his Maj^{ty} Lieute^t Govern^r and Commander in Chief of his Maj^{ty} Province of *New Yorke* his letter of the 20th of *May* laſt to mee.

I have likewiſe Rec^d a Letter of the fourth of *March* laſt from the R^t Honorable *James Vernon Eſq^r* his Maj^{ty} Principall Secretary of State concerning a Squadron of french Menne of Warr &c^a and his Maj^{ty} Royall Commands to me thereupon w^{ch} ſaid letter I doe alſo now give to M^r *Speaker*. And I do Earneſtly recommend to you
maturely

maturely & deliberately to take into yo^r most Serious Consideration these his Maj^{ty} Royall Commands—

For the Security of this his Maj^{ty} most Antient and great Colony and Dominion of *Virginia* (I intend God willing) to lay before you what wth the advice of his Maj^{ty} Honorable Council I have already done in that affaire as likewise Severall Propositions (by Gods Assistance) towards fully Effecting the same

The Gent of the Committee for reviseing of the Laws have represented to me the great want they had of an Assistant &c^a w^{ch} shall be Sent to you with what was done in Council about that affaire together wth their Representation to the Generall Assembly

I have indeavoured to accomodate you wth a place to Sit in as also for yo^r Committees and if there be any thing still wanting (which I doubt there may I desire you will either lett me know itt or give Directions to the workmen to have itt done—

Gent^{ls}

My Selfe and his Maj^{ty} Honorable Councill (more of w^{ch} I dayly Expect) do intend God willing as occasion offers either to Speak wth or fend to you—

Wee have Ordered the foundation of the Cappitoll to be laid to morrow if you have nothing to offer to the contrary but for the more Speedy and well doing thereof I propose that you would appoint a Committee to joyne with a Committee of his Maj^{ty} Honorable Councill and if possible to Sitt this day and when they doe I will tell them some Remarques I have made upon the workmen &c^a and will offer Something to them towards the well regulateing of them as likewise the Said Building. I would have done this affaire with more Ceremony but considering the State of affaires in *Europe* and how many things seem to portend a Generall warr wherein his Maj^{ty} and his Kingdomes will be like to be very deeply ingaged for itt must be acknowledged that his most Sacred Maj^{ty} by his vnimitable wldome Courage and Conduct is the Arbiter of Peace and Warr there as well as the Ballance thereof And Considering farther the many weighty and important affaires that will lye before the Assembly this Session I have wth the Advice of his Maj^{ty} Honorable Councill for these Severall reasons thought itt proper to have a fast Kept by them on *Wenesday* next and on that day fortnight thro'out this his Maj^{ty} Colony and Dominion and I don't in the least doubt but that you will readily comply wth us therein And that our meeting now may answer the Designe of the Writt by which you were Summoned are my hopes in and prayers to Almighty God—

ffr: Nicholson

Ordered That the said Speech and letters menconed therein doe lye upon the table

Resolved That the House doth agree to the time appointed by his Exc^{elly} and the Council for laying the foundation of the Capitoll also to his Exc^{ellys} Proposition that a Committee of this House be appointed to joyne wth a Committee of the Councill to consider of measures and whatsoever Shall be proposed for regulateing the said building and workmen imploy'd in itt—

Resolved That the House will taken into Considera^{on} the remaining parts of his Exc^{ellys} Speech together with letters relateing thereto on *Tuesday* next—

Ordered

That

M^r Cary.....M^r Beverley

M^r Leigh.....M^r Willson

M^r Corbin.....M^r Robinson

be a Committee to joyn wth a Committee of the Counsell to consider of propositions concerning the Capitoll and that they give their attendance upon the Same att Such time and place as shall be appointed—

Ordered That M^r Leigh M^r Tayloe M^r Foster M^r Thacker M^r Sullevant M^r Armestead M^r Cock M^r ffitzhugh M^r Farrar M^r Butt M^r Harrison and M^r Applewait doe forthwith wait upon his Exc^{elly} and acquaint him wth the Resolutions of this house upon that part of his Exc^{ellys} Speech w^{ch} concerns the Capitoll, and also that this house has appointed

appointed Six of their members to joyne wth Such of the Councill as fhall be appointed for a Committee according to his Excēllys Proposition

And they being returned M^r Leigh acquainted the houle that they had delivered the Said Meffage

M^r Bray acquainting the houle that his family was fick and moveing for leave to vifit the fame leave was given accordingly—

Ordered That he give his attendance againe upon the Service of the houle on *tuesday* next—

Ordered That *John Sincock* be Sent for in Custody of the meffinger to answer his mifdemeanour in coming down private Staires into the houle and paffing through when the houle was Sitting—

A Meffage from his Excēlly by M^r Wright
M^r Speaker

In answer to the meffage sent by the houle I am commanded by his Excēlly and the honourable Counfill to acquaint this houle that three of the honourable Councill are appointed to joyne in a Committee wth Six of the members of this houle to confider of the Meafures to be taken in laying the foundation of the Capitoll and what Shall be thought neceffary for regulateing the faid building and workmen imployed in itt And that forthwith in the great roome where the Comittees for revifall ufually fate

Ordered That the members appointed by this houle attend the Councill according to the Said Meffage

M^r Cary from the Comittees of Councill and Burgeffs appointed to confider of propositions concerning the Capitol reported the proceedings of the Said Comittees which he read in his place and then delivered them in att the table where being againe read the houle took the Same into imediate Confideration and refolved as followeth—

Resolved That it is the opinion of the houle that for the better management of the workmen and Labourers that are and Shall be imployed in building the Capitoll itt is neceffary an ordinance be made to prohibite ordinary keepers from Entertaining or Selling drink to any Such Workmen or Labourers w^{thout} the Governours Lycenfe, or leave from the Committee appointed to Overfee the building of the Capitoll or of the Overfeer that dayly attends the work—

Resolved That all Ordinary keepers That Tranfgrefs the aforef^d Ordinance be lyable to be put downe from keeping an Ordinary by the next Juftice of peace and alfo fined according to law for Entertaining other peoples Servants—

Resolved That all perfons whatfoever be prohibited to Entertaine imploy or Deale with any of the Bricklayers and Carpenters imported into this Country and Covenanted wth to build the Capitol w^{thout} Lycenfe or Leave as aforef^d under the Penalty of being fined according to law for Entertaining other peoples Servants

Resolved That the Overfeer of the work be impowered to Comēce Suit upon any the Occasions aforefaid

And then the houle Adjourned till to morrow morning Eight a Clock

Fryday Aug^t the 8th 1701

THE houle being informed that the meffinger attended at the doore with *Jn^o Sincock* he was called into the houle and being heard what he had to Say in Defence or Extenuation of his Mifdemeanour Committed Yesterday he was ordered to w^{thdraw} And being w^{thdrawne}

An humble Petiçon of his was read

And the houle thereupon taking into Confideration the Subject matter of the Same

Ordered That the Said *John Sincock* be called into the houle and Sharply reprehended by M^r Speaker

Which was Accordingly done

Ordered

Ordered That the Said *Jⁿ Sincock* be discharged out of Custody paying fees—
A Message from his Exc^{ly} and Council by *M^r Wright* who brought into the house the following papers *Viz^t*

The Copy of an Address to his Exc^{ly} from the Committee for the Revivall of the Lawes concerning the want of an Assistant—

The Copy of an Ord^r of his Exc^{ly} and Council made upon the Said Address—

And an Address of the said Committee of the ninth of *July* last to the Generall Assembly representing their proceedings and present Circumstances for want of an Assistant—

All which were read and

Ordered to lye upon the Table

Ordered That leave be given to *M^r Harrison* to goe to his house in the Country for Recovery of his health and that (if able) he attend the Service of the house againe on *Monday* next

A Message from his Exc^{ly} by *M^r Wright*
M^r Speaker

His Exc^{ly} commands the immediate attendance of this house upon him in the great roome where the Committee for Revivall of the Lawes usually Sate and accordingly the house went to attend his Exc^{ly}—

And being returned *M^r Speaker* acquainted the house that his Exc^{ly} was pleased to make a Speech which he had prayed and obtained a Copy and was as followeth
Hon^{ble} Gent^l

I have Sent unto you what has been represented to mee by the Committee appointed to Revise the Lawes concerning the want of an Assistant wth the P^rceedings of my Self and his Maj^{ty} Hon^{ble} Council thereupon together wth their Representation to the Hon^{ble} generall Assembly

What I have to add is that you take Some Speedy care in the perfecting the Revivall of the whole body of the Laws according to his Maj^{ty} Commands to mee given But whither by this or any other method leave to yo^r Consideration upon w^{ch} will Depend the Length or Shortness of this p^rsent Session. And I pray God to Direct you for the best

ffr: Nicholson

Resolved That the house will take into Consideration the Said Speech on *tuesday* next wth his Exc^{ly}s other Speech made Yesterday and the letters relating thereto—

And then the house adjourned till to morrow morning nine a Clock—

Saturday Aug^t y^e 9th 1701

A COMMITTEE for Election & Priviledges—

M^r Gawin Corbin Chairman

M^r ffofter.....*M^r Cook*

M^r Tayloe.....*M^r Harrison*

Ordered That *M^r Miles Cary Junior* be Clerk of the Said Committee and give his Attendance accordingly

Ordered That *Richard Morris Jⁿ Remington John Hicks & Anthony Evans* be continued dore keepers to the house During this Session and that they give their Respect-ive attendance accordingly.—

The Orders of the house for Last Sessions being read att the Table—

Resolved That the house do approve of the Same and that they Shall continue ord^r for this Session—

Ordered That the said orders lye constantly upon the Table for Every Members perusal as occasion—

Ordered That the house be called over as often as Shall be thought convenient and
that

that those members whoe Shall be wanting in their duty of attendance be Liable to the Censure of the House—

Resolved and accordingly *ordered*

That itt be a Standing rule of this House that fiftene members wth the Speaker shall be a Sufficient number to adjourne—

A Committee for Publick Claimes.

Mr *Miles Cary* Chairman

Mr *Joseph ffofter*

Mr *Alex: Spence*.....Mr *Tho: Milner*

Mr *Rich^d Bland*.....Mr *Hen: Applewait*

Mr *Will^m Tayloe*.....Mr *Edw^d Mofely*

Ordered That Mr *Miles Cary Jun^r* be Clerk of this Committee and give his Attendance Accordingly—

A Committee for Propositions and Grievances—

Mr *William Leigh* Chairman

Mr *Gawin Corbin*.....Mr *Will^m Cary*

Mr *Rob^t Beverley*.....Mr *Tho: Ballard*

Mr *W^m Wilfon*.....Mr *Mord^{ca} Cook*

Mr *Thomas Barber*.....Mr *James Westcomb*

Mr *William Toms* was upon his Petiçon appointed Clerk of this Committee and ordered to give his attendance accordingly—

Ordered That the Committee have power to adjourne themselves *De Die in Diem* and to Send for persons records Journalls and other papers they Shall from time to time have occasion of

Resolved and Accordingly *Ordered* That all Propositions Grievances and Publick Claimes be brought into the house on *Monday* the Eighteenth of this Instant at latest or not to be received into this Sessão of Affembly w^{thout} particular leave of the house—

Ordered that the Clerk of the house publish the latest time sett by the house for receiving Propositions Grievances and Publick Claimes During this Sessão by Setting up a fair Copy of the Refolve of the house made in that Bhalfe att the Doore of the house

Ordered That the Clerk of the house publish the place where the Comittee of Greivances and Propositions and the Comittee of Publick Claimes are to Sit by Setting up a Certificate thereof at the dore of the House—

The Petition of *William Drew* was read in the house—and after a Debate and the Question put—

Whether itt appeares necessary at this time to appoint more Door keepers then the four already appointed—

Passed in the Negative—

Ordered the Said Petition be rejected—

A Motion being made for leave to Mr *William Armistead* to goe into the Country to visit his father who lyes very Sick—

Leave was given Accordingly—

Ordered That Mr *Armistead* attend the Service of the house on *Tuesday* morning next

Ordered That the Comittee of Propositions and Grievances inspect the Journall of the Last Sessão of Affembly and report to the house what they find Necessary to be taken into Consideration this Sessão—

Ordered That the Committee of Publick Claimes inspect the report of the Comittee the last Sessão of Affembly and report to the house what they find necessary to be further considered this Sessão—

Resolved and Accordingly *Ordered*

That all Petitions Propositions and Grievances directed for the last Sessão of Affembly and not then considered be admitted to the Consideration of this Sessão—

The

The Petition of the Minister Church Wardens and Vestry for *Lawnes Creek* Parish in the County of *Surry* being read in the house

Ordered That the Said Petition be referred to the Consideration of the Committee of Propositions and Grievances to Report their Opinions therein

A Memoriall Exhibited from Captain *Paffinger* Command^r of his Maj^{ty} Ship the *Shorham* relateing to the Imposition laid upon Liquors being read in the house

Ordered That the Consideration of the Subject matter contained in the Said Memoriall be referred to the Committee of Claimes to report their Opinions thereupon

Severall Publick Claimes from the Counties of

<i>Henrico</i>	<i>York</i>
<i>Effex</i>	and
<i>King and Queen</i>	<i>Norfolk</i>

Were presented to the house and referred to the Consideration of the Committee of Publick Claimes to Examine the Subject matters thereof and report the Same with their Opinions therein to the house—

And then the house Adjourned till *monday* morning tenne a Clock

Monday August the 11th 1701

O*RD*ERED That itt be referred to the Committee of propositions and Grievances to prepare and bring in an Ordinance of Assembly according to the Resolutions of the house on *Thurseday* last touching ordinary keepers Entertaing employing or Dealing with the workmen employed to build the Capitoll—
Severall Claimes from the Counties of

<i>Middfex</i>
<i>Westm^rLand &</i>
<i>Stafford—</i>

Were presented to the house and referred to the Consideration of the Committee of Publick Claimes to Examine the Subject matter thereof and report the same with their Opinions therein to the house—

The Grievance of *Accomack* County being read

Ord^d That the Consideration of the Said Grievance be referred to the Committee of Propositions and Grievances to report their Opinion thereupon—

Ordered That M^r *Nathaniell Harrison* be added to the Committee of Propositions and Grievances—

Ordered That M^r *Gideon Macon* be added to the Committee for Publick Claimes

And then the house adjourned till to morrow morning nine a Clock

Tuesday August the 12th 1701

SEVERALL Publick Claimes from the Counties of
Charles City *Warwick*
Gloucester..... *James City*
Princes Ann...... *Northampton* and
Westmerland..... *New Kent—*

Were represented to the house and referred to the Consideration of the Committee of Publick Claimes to Examine the Subject matter thereof and report the same with their opinions therein to the house—

Ordered That the Committee of propositions and Grievances and the Committee for Publick Claimes be forthwth called to attend upon the Service of the house—

A motion being made by a member of the house that the house be called over was agreed to and accordingly the house was called over and the absence of some that did not appear Excused—

Ordered

Ordered That Mr *Jñ^e Catlett* a member of the house be sent for in Custody of the Messenger to answer his default in not attending (according to his duty) the Service of the house—

The house according to order of the day took into consideration the remaining parts of—

His Excellys Speech made to the house on *thursday* last and the Letters relateing thereto together wth his other Speech touching the Revifall of the Lawes and therein having Spent some time—

Ordered That the further Consideration thereof be referred till *thursday* next—

Ordered That the Clerk of the house Search for and bring into the house a Copy of his Majestyes Letter and all the proceedings of the house of Burgeffes relateing to the Quota of men formerly required for *New York*—

A Message from his Excelly and the Councill by Mr *Wright*
Mr Speaker and Gent of the house of Burgeffs

I am commanded by his Excelly and the honorable Councill to lay before this house his Maj^{ty}s Royall Letter of the 9th of *May* 1701 recommending Divers french Protestants now lately arrived to the favour and Protection of his Excelly and Severall other letters and Papers relateing to that affaire for the Consideration of the house and to desire your Speedy advice what is best to be done and how those Protestants Shall be disposed of—

And thereupon the house takeing the Said message into imediate Consideration—

Resolved That itt is the Opinion of this house that the Said Protestants have liberty to dispose of themselves as they think fitt—

Ordered That a message be Sent in writeing to acquaint his Excelly and the Councill wth the Said Resolution

And the Said Message being as followeth—

May itt please yo^r Excelly and Honor^s

Yo^r Message this day wherein yo^r Excelly and Honor^s are pleased to desire our Speedy advice what is best to be done with the french Protestants lately arrived and how they Shall be disposed of. Wee have taken into our immediate and Serious consideration as also his Maj^{ty}s Royall Letter and the other letters and Papers concerning them transmitted for our perusall—

Are humbly of Opinion

That those Protestants have liberty to Dispose of themselves as they think fitt—

Ordered That Mr *Miles Cary* Mr *Beverley*, Mr *Fox*. Mr *Bray* Mr *Milner* and Mr *Powell*. forthwth carry the same and they being returned—

Mr *Cary* acquainted the house they had delivered the said message—

A message from his Ex^{ty} & Council by Mr *Wright* who brought into the house *Daniell Cox* Esq^r his Letter to his Excelly Dated the 8th of *April* 1701 and the grant for Land therein mentioned together with Mr *Micajah Perrys* Letter upon the Said Subject—

All which were read att the Table—

The Petition of *Alexander Swan* Late Sheriff of *Lancaster* County concerning a Claime of two thousand Eight hundred and fifty pounds of Tobacco: being read—

Ordered That the Consideration of the Said Petition be referred to the Committee for Publick Claimes to report their opinions therein—

And then the House adjourned till *thursday* morning nine a Clock—

Thursday Aug^t y^e 14: 1701

A MOTION being made that the house be called over was agreed to and accordingly the house was called over and the absence of Such members as did not appear was Excused

Then (according to the ord^r of the Day) The house proceeded to the consideration of the remaining parts of his Excellys Speech made on *Thursday* the

7th instant wth the Letters and Papers relateing thereunto and also of his Excēllys other Speech touching the Revifall of the Lawes and his Excēllys Said Speeches Letters and Papers being read—

A motion was made That the houle forthwith resolve into a Committee of the whole houle to take the Same into Consideration which was agreed to—

And thereupon the houle resolved itt Selfe into a Committee of the whole houle to take the Said Speeches Letters and Papers into Consideraçon wherein haveing Spent some time. Mr *Speaker* resumed the Chaire and Mr *Cary* Reported that the Said Committee had made some Progreſs in the matters to them referred and had Directed him to move the houle for leave to Sitt againe further to Consider the said Speeches Letters and Papers—

Resolved That the houle will to morrow morning resolve itt Self againe into a Committee of the whole House to proceed in the further Consideration of his Excēllys Said Speech letters and Papers—

The Petition of the Vestry and inhabitants of *Bristoll* Parish in *Charles City* County relateing to the bounds of the Said Parish referred by his Excēlly and Councill to the Consideration of this houle—not being Signed by any person

Ordered The said Petiçon be rejected

The Petition of the Minister Vestry and Church Wardens of the upper Parish of *Ifle* [of] *Wight* County desireing a part of the lower Parish of the Said County may be joyned to them referred by his Excēlly and Councill to the Consideration of the houle—

Ordered That the Consideration of the said Petition be referred to the Committee of Propositions and grievances to report their Opinions therein—

The propositions and Grievances of *Northampton* County referred by his Excēlly and Councill to the Consideration of the House—

The Petition of the Inhabitants on the North Side *James River* in *Charles City* County againt the Removall of their Court houle &c referred by his Excēlly and Councill to the Consideration of this houle

And the Propositions and Grievances of *Ifle* [of] *Wight* County being Severally read

Ordered That the Consideration of the Said Petition Propositions and Grievances be referred to the Committee of Propositions and Grievances to report their Opinions therein—

A Petition of *John Kinsbrough* for his Annuall Pension—

The Petition of *Thomas Blunt* for his usuall allowance as Interpreter on the South Side *James River* referred by his Excēlly and Councill to the Consideration of the houle—

The Petition of *Jⁿ Chyles* for allowance for certaine Service done by order of the Committee for Revifall of the Laws

And a Petition of Mr *Cope Doyley* for an allowance for his Attendance upon the Affembly in *October* last being Severally read

Ordered That the Consideration of the Said Severall Petitions bee referred to the Committee for Publick Claimes to report their opinions therein—

Certaine Publick Claimes from *Ifle* [of] *Wight* County were p^resented to the houle and referred to the Consideration of the Committee for Publick Claimes to Examine the Subject Matter thereof and report their opinions therein—

And then the houle adjourned till to morrow morning nine a Clock—

Fryday August the 15th 1701

CERTAIN E Claimes from *Elizabeth City* County were p^resented to the houle and referred to the Consideration of the Committee for publick Claimes to Examine the Subject matter thereof and report their Opinions therein—

Mr *Leigh* from the Committee of Propositions and Grievances reported that the Said Committee had taken into Consideration Severall matters to them referred and therein had agreed upon Severall Resolutions—Which he read in his place and afterwards delivered them in att the table where they were again read

Then

Then a motion being made that the House be called over a Debate did arise concerning the same and thereupon the Question being put that the house be called over—

Itt past in the Negative—

Then a motion was made that the house do forthwith proceed to the Consideration of the Reports of the Committee of propositions and Grievances which was agreed to—

And thereupon A report of the Said Committee concerning Severall References the last Session being read—

Ordered That the Grievance of *New Kent* and *Henrico* Countyes for a bridge to be built over *Chickahominy* Swamp

The Grievances of *Charles City* County on the South Side *James* River praying that the Court house may be built on the South Side but the County not to be Devided—

The Propositions and Grievances of *Surry* *Nansemond* *Middfex* *Norfolk* *Elizth* *City* *Isle* [of] *Wight* *Charles City* *Accomack* *Northampton* and *Henrico* Countys—

The Grievances of the Inhabitants of *Pamunkey* Neck to make the said Neck a County of itt Self—

The Petition of *Richmond Hutchins* and *John Kingston* for Liberty to keep Ferryes—

The Petition of *Nathaniell Harrison* and *James Mason* for laying out the bounds between *Surry* and *Charles City* Countys on the South Side *Blackwater*

The Grievance of *Henrico* County concerning the Infringement of his Maj^{ty} Royall Charter in that part of itt which relates to Elcheat Lands—

And the Grievance of *Henrico* praying for a regulation and Settlement of Rights to take up land—be Severally referred to the Consideration of the Committee of Propositions and Grievances to report their opinion therein—

Then a Report of the Committee of Propositions and Grievances concerning a Resolve made the last Session for further considering the Services of the Assistance appointed to attend the Committee for Revifall of the Laws being read—

Ordered That the Clerk put the house in mind of the said Resolve when the Services of the members of the said Committee for Revifall are Considered—

Then a report of the Committee concerning an ord^r of the last Session referring the Consideration of a method to prevent the Inhabitants of *Maryland* Committing our Runaway Servants to prison and there keeping them untill the Charge amounts to more then the Value of the Servant

Being read

Ordered That the Committee of Propositions and Grievances take the Said matter into Consideration and report their Opinions thereupon—

Then another report of the Committee of Propositions and Grievances Concerning an Order of the last Session Referring the Consideration of an Instruction from their Excellys the Lords Justices of *England* Dated the thirteenth of *September* 1698 in these words—

You shall not permitt his Maj^{ty} Revenue to be anticipated for the future nor Suffer any Publick money whatsoever to be Issued or disposed of, otherwayes then by Warrant und^r yo^r hand by and with the advice of his Maj^{ty} Councill there but the Assembly may be nevertheless permitted from time to time to view and Examine the Acco^{ts} of money disposed of by virtue of Such Lawes as are now in force or shall be passed by them which you are to Signifie unto them as occasion shall Serve being read—

Ordered That his Excellly be humbly moved to cause the Acco^{ts} of the Publick Revenue to be laid before the house wth all Convenient Expedition and that M^r *Corbin* M^r *Waters* M^r *Fitzhugh* M^r *Thacker* M^r *Butt* and M^r *Armistead* humbly move his Excellly accordingly—

Then a Report of the Committee of Propositions and Grievances concerning an ord^r of the last Session referring the Consideration of the Petition of *Edmund Jennings* Esq^r in behalfe of himself and others claiming the land between the two *herring* Creeks on *Mattapany* in *Pamunkey* Neck being read—

Ordered

Ordered That a Committee be appointed to Examine the Subject matter of the Said Petition—

And a Committee being accordingly appointed *Viz*—

The members of the Committee of Propositions and Grievances and the members of the Committee for Publick Claimes

Ordered That the Said Petitioners and all other Persons laying Claime to any part of the Said Land in Question be heard before the Said Committee by themselves or Councill and that the Said Committee doe thereupon State the Case as itt appears to them and report the Same with there opinions therein to the house—

Ordered That the Said Committee Sitt in the house and begin to Sitt to morrow morning at nine a clock—

Ordered That Mr *Miles Cary* be Chairman of the Said Committee and that the Clerk of the house attend itt—

Ordered That the Clerk of the Secretarys Office the Clerk of the Councill and the Clerk of the house lay before the Said Committee all proceedings reports and Papers Lodged in their Respective Offices concerning the Land in Question

Ordered That the Clerk of the house Sett up a Certificate at the Colledge Doore when and where the Said Committee is to Sitt—

Then a report of the Committee of Propositions and Grievances made upon a Grievance from *Accomack* County propoſeing an Alteration of the Acts giveing a reward for killing of Wolves by taking the reward from the *English* and Enlargeing the reward to the Indians being read

The house agreed to the said Report *Viz*—

That the Said Grievance is frivolous and impertinent the Lawes provideing Suita-ble and Sufficient rewards in those Cases—

Ordered That the Said Grievance be rejected

Then a report of the Committee of Grievances and Propositions made upon a Grievance from *Accomack* County propoſeing a ffine or Penalty upon fforeign Indians belonging to *Maryland* or other Counties whoe Shall presume to hunt within the Said County of *Acomack* being read

The house agreed to the Said Report *Viz*—

That the Lawes of this Country doe Sufficiently provide therein—

Ordered That the Said Grievance be rejected

Then a Report of the Committee of Propositions and Grievances made upon a Petition of the Minister Church Wardens and Veftry of *Lawnes Creek* Parifh in *Surry* County concerning the Inlargement of the Said Parifh and againft the Confolidation of itt with the upper Parifh of *Ifle* [of] *Wight* County being read

The house difagreed to the Said Report (*Viz*) That the Conſideration of the Said Petition Shall be referred till *thurſday* the one and twentieth Instant and all perfons concerned then heard

Ordered That the Said Petition be rejected

Then a report of the Committee of Propositions and Grievances made upon a Grievance from *Northampton* County deſireing preſent Liberty to Export Indian corne being read the house agreed to the Said Report (*Viz*) That the law already made is well Suited to the Circumſtances of this Country

Ordered That the Said Grievance be rejected

Then a report of the Committee of Propositions and Grievances made upon a Propoſition from *Accomack* *Northampton* and *Ifle* [of] *Wight* Counties for aſcertaining the values and rate of Money being read—

The house Agreed to the Said report *Viz* That by former order of this house the Subject matter of the Said Propoſition lyes under the conſideration of the Committee for Revifall of the Lawes—

Ordered That the Said Propoſition be rejected

Then

Then a report of the Committee of Propositions and Grievances made Vpon a Proposition from *Accomack* County for Settling the Country by way of Cohabitation being read

The house agreed to the Said report (*Viz*) That the Subject matter of the Said Proposition lyes under the Consideraçon of the Committee for Revifall of the Lawes—

Resolved That the Said Proposition be not further proceeded in att p'sent—

Then a report of the Committee of Propositions and Grievances made upon a Grievance from *Isle* [of] *Wight* County praying the allowance for the attendance of Evidences att County Courts may be Lessened And also that the Toll for grinding wheat and Corne may be Lessened being read

The house Agreed to the Said Report (*Viz*) That the Allowances already provided by Law in both those Cafes are Equall and moderate

Ordered That the Said Grievance be rejected

Then a report of the Committee of Propositions and Grievances made upon a Grievance from *Isle* [of] *Wight* County complaining that no allowance is by Law provided for Jury men in differences about Land or for Conftables for Executing of War-rants being read—

The house Agreed to the Said Report (*Viz*) That it is necessary a Suitable Allow-ance bee appointed in Such Cafes—

Ordered That itt be referred to the Committee for Revifall of the Lawes to consider how much Shall be allowed for such Services and how the same Shall be paid

Then a report of the Committee of Propositions and Grievances made upon a Peti-tion of the Minister Vestry and Church Wardens of the upper Parish of *Isle* of *Wight* County praying the bounds of the Said Parish may be enlarged being read—

The house Disagreed to the said Report (*Viz*) That the Consideration of the Said Petition Shall be referred till *Thursfday* the one and twentieth Instant and all persons concerned then heard—

Ordered That the Said Petition be rejected

A Petition of Mr *Chicheley Corbin Thacker* for allowance of one hundred and forty Pounds of Tobacco referred by his Excélly and Councill to the Consideration of this house

A Petition of the Said *Chicheley Corbin Thacker* for his usuall allowance as Clerk of the Secretarys Office referred by his Excélly and Councill to the Consideration of the house—

A Petition of the said *Chicheley Corbin Thacker* for an Allowance of Twenty Shil-lings Disburfed for removeing the Publick Records referred by his Excélly and Councill to the Consideration of the house—

And a Petition of *Robert Pasley* for his usuall allowance as interpreter to the *Pamun-key* and *Nanfiattico* Indians—
being Severally read

Ordered That the Consideration of the Said Severall Petitions be referred to the Committee for Publick Claimes to report their Opinions therein—

A Petition of *John Chiles* was read praying a further allowance for his Service as Mace bearer

Ordered That the Said Petition be taken into Consideraçon when the allowances to the Severall Officers w^{ch} attend the Affembly are Considered—

Mr *Gawin Corbin* a member of the house moveing for leave to goe into the Country to visit a Sick relation

leave was given Accordingly

Ordered That he give his Attendance againe upon the Service of the house on *Tuesfday* Morning next

Then according to the ord^r of the day The house resolved itt Selfe into a Committee of the whole house to proceed into farther Consideration of the remaining parts of his Excellys first Speech and the letters and papers relateing thereto and of his Excellys
other

other Speech touching the revifall of the Laws and after Some time fpend therein Mr *Speaker* refumed the Chaire and Mr *Cary* reported that the Said Committee in the matters to them referred had agreed upon Severall refolutions which he read in his place and afterwards Delivered in att the Table wher[e] the Same were againe read

Ordered That the Confideration of the Said Report be referred till *tuefday* morning tenn a Clock

A Petition of *Edmund Jennings* Efqr referred by his Excelly and Council to the Confideration of this Houfe was read Setting forth that by Patent Dated the Sixth of *June* 1699 he had a grant for five hund^d Seventy Acres of Land adjoyning to the lower *Herring Creek* in *Pamunkey* neck in *King* and *Queen* County and by another Patent of the Same date for two hundred Acres more adjacent thereunto—

And that *Benj^r Arnold* and *John Hurt* having obtained ord^{rs} from the Commiffioners appointed to Examine and Settle Claimes to Land in *Pamunkey* neck to Survey two Severall Tracts of Land had caufed the Surveyor of *King* and *Queen* County to include in the Said Surveys the greateft part if not the whole of the lands fo granted him which Surveys are returned for Confirmaçons and Pattents to Iffue thereupon and praying the Same may not be confirmed nor Pattents Iffue accordingly—

Ordered That the Confideration of the Said Petition be referred to the Committee appointed to examine the Subject matter of the Said *Jennings* his Petition prefented the laft Seflion in behalfe of himfelfe and others claimeing the Land between the two *herring* Creeks in *Mattapany* in *Pamunkey* neck and they are to report their Opinions therein—

Then a moçon being made that the houfe be adjourned till to morrow one a Clock after noone the houfe was Accordingly Adjourned til to Morrow one a Clock Afternoon

Saturday Aug^t the 16th 1701

Post Meridiem

SEVERALL Publick Claimes from *King* and *Queene* County were prefented to the houfe and referred to the Confideration of the Committee of Publick Claimes to Examine the Subject matter thereof and report the fame wth their Opinions therein to the houfe

Mr *Cary* from the Committee appointed to Examine the Subject matter of the Peticon of *Edmund Jennings* Efqr prefented the laft Seflion in behalfe of himfelfe and others claimeing Lands between the two *Herring* Creeks on *Mattapany* in *Pamunkey* Neck reported that the Said Committee had agreed upon two refolutions which he read in his place and afterwards Delivered in att the Table where they were againe read

And thereupon the houfe takeing the fame into imediate Confideration

The report of the Said Committee was read againe and part thereof agreed to and part difagreed to

Ordered That the Said Committee Sit againe on *Fryday* next at tenne a Clock in the morning and that the *Chickahominy* Indians be then heard what they had to Say concerning the land in Queftion—

Ordered That *Robert Pasley* Interpreter to the *Chickahominy* Indians be required then to attend the Said Committee with the Said Indians and that Mr *Speaker* iffue out his warrant accordingly—

Ordered That Mr *Treasurer Carter* do lay before the houfe a perfect acco^t of the monyes in his hands from the Impofitions upon Liquors Servants and Slaves Since the laft Seflion together wth the Collectors Acco^{ts} relateing thereunto—

Ordered That the Said Accounts be laid before the houfe on *tuefday* next in the morning and that Mr *Taylor* give Mr *Treasurer* notice to do the Same accordingly

And then the houfe adjourned till *monday* morning tenn a Clock

Monday

Monday August the 18th 1701

MR Leigh from the Committee of Propositions and Grievances to whom it was referred to prepare and bring in an ordinance of Assembly according to the Resolutions of the house touching Ordinary keepers entertaining employing or dealing wth the workmen employed to build Capitoll reported that the Said Committee had prepared the Same which he read in his place and afterwards Delivered in att the Table where the Same was againe read And thereupon a Debate arising Concerning amendments to the Said Ordinance—

The Question was put

That Amendments be made to the Same

Resolved in the Affirmative

Ordered That the Said Ordinance be committed to the Committee that prepared the Same for amendm^{ts}

Certaine Claimes from *Surry County* were presented to the house and referred to the Consideration of the Committee for Publick Claimes to Examine the Subject matter thereof and report their opinions therein—

A Petition of *W^m Randolph* Clerk of the house of Burgeffes praying his usuall allowance of three thousand two hundred pounds of Tobacco for Copyes of the Lawes Journalls and Duplicates thereof Delivered to his Excell^y to be sent to his Maj^{ty} &^{ca} being read

Ordered That the Consideration of the said Petition bee referred to the Committee for Publick Claimes to Report their Opinions therein—

Then Mr *Speaker* acquainting the house that he had reced a Letter from Mr *Catlett* by the Messinger that went to fetch him in Custody—

The Said Letter was read & Mr *Catlet* therein Signifying his Difability to attend the Service of the house by meanes of Sicknefs—

The Messinger that went for him was called into the house and Examined about the same and then ordered to withdraw—

And being withdrawne

Resolved That Mr *John Catlett* in not taking care to represent the reasons of his absence from the Service of the house till he was Sent for into custody is guilty of a neglect of his Duty and thereby occasioned his being sent for in Custody

Ordered That Mr *Jn^o Catlet* pay the Messinger of the house fifty Shillings for his trouble in Sending to him—

Ordered That Mr *Jn^o Catlett* be Excused from attending the Service of the house till the State of his Health will admitt it without danger

Then a Motion being made that a rule be Sett for Ascertaining the messengers fees on all occasions

The Said Motion was Agreed to

And the house proceeded accordingly

Ordered That the Messengers fees be as followeth

For fetching a person Tenne Miles of or within that Distance Tenn Shillings

If farther then that distance tenne Shillings the first tenne miles and Sixpence a mile for Every mile beyond—

And that the messinger be allowed besides for his Expence in ferryages and Charge Extraordinary according to the Discretion of the house

The Grievances of *Northumberland Counties* being read

Ordered That the Consideration of the Said grievances be referred to the Committee of Propositions and grievances to report their Opinions therein—

Certaine Claimes from *Northumberland County* were presented to the house and referred to the consideration of the Committee for publick Claimes to Examine the Subject matter thereof and report their Opinions therein to the house—

And then the house adjourned till to morrow morning nine a Clock—

Tuesday

Tuesday Aug^t the 19th 1701.

THE Petition of *Jn^o Buckner* for leave to present a Petition concerning Land in *Pamunkey Neck* was read and leave was given accordingly

M^r Leigh from the Committee of Propositions and Grievances to whom it was referred to make amendments to an Ordinance of Assembly prohibiting Ordinary Keepers to Entertain the workmen employed in building the Capitoll reported that the Said Committee had agreed upon Severall amendm^{ts} and incerted them in the Said Ordinance and thereupon having read the Said Ordinance and Amendments in his place he Delivered itt in att the Table—where being againe read and also the Amendm^{ts} to itt—

Resolved That the house doth agree to the Said Ordinance and its amendments

Ordered That the Said Ordinance be fairly Tranferibed And that *M^r Waters* *M^r Armistead* *M^r Bray* and *M^r Sullivan* carrye the Same to the Councill for Concurrence—

A meffage from his Excelly and Councill by *M^r Wright*
M^r Speaker

Whereas itt is thought very convenient in y^s time of Danger that some certaine method Should be taken for the better Strengthening of our ffrontiers both by Sea and Land and difcovering the approaches of an Enemy. I am ordered by his Excelly and the Councill to acquaint you that the Honorable *William Bird Esq^r Benj^r Harrison Esq^r* and *John Custis Esq^r* are appointed a Committee to Consider how the Same Shall bee Effected. And that his Excelly and the Councill do recommend itt to the Burgeffs to appoint a Convenient number of their house to joyne with the said Committee of the Councill to Consider of the moft proper way and meanes to do the same with all Expedition—

And I am further ordered to acquaint you that the Honorable *Charles Scarborough Esq^r Robert Carter Esq^r* and *James Blair Esq^r* three of the members of his Maj^{ty}s honorable Councill are appointed a Committee and that his Excelly and the Councill do recommend itt to the Burgeffes to appoint a convenient number of their house to joyne wth the Said Committee of the Councill to inspect and consider the whole proceedings of the Commiffioners appointed to Examine the Claimes and Titles to land in *Pamunkey neck* and on the South Side of *Blackwater Swamp* in their Severall Courts that the same may be now wth all Expedition compleated perfected and Ended—

And I am further ordered by his Excelly and the Councill to lay before this house a State—of his Majeftyes Revenue upon the Quit rents *Anno: [Domini] 1700.* and also the State of his Maj^{ty}es Revenue of 2^s 7^d hhd &^{ca} from the twenty fifth of *October 1700* to the tenth of *June 1701* which *M^r Auditor* now laid before his Excelly and the Counfill—

And then he Delivered the State of both the Said Revenues att the Table—

Ordered That according to a meffage from his Excelly and Councill a Committee bee appointed to joyne with the Committee of the Counfill to consider of the moft proper wayes and meanes for Strengthening the frontiers by Sea and Land and for Difcovering the approaches of an Enemy—

And accordingly a Committee was appointed (*Viz^t*)

M^r Leigh.....*M^r Mafon*

M^r Waters.....*M^r Tayloe*

M^r Cock.....*M^r Beverley*

Ordered That the said Committee attend att fuch time and place as Shall be appointed

Ordered That according to a meffage from his Excelly and council a Committee be appointed to joyne with the Committee of the Counfill to inspect and consider the whole proceedings of the Commiffioners appointed to Examine the Claimes and Titles to Lands in *Pamunkey Neck* and on the South fide of *Blackwater Swamp*

And accordingly a Committee was appointed (*Viz^t*)

M^r Miles Cary.....*M^r Willfon*

M^r Robinfon.....*M^r Spence*

M^r Kenner.....*M^r Westcomb*

Ordered

Ordered That the Said Committee attend att such time and place as Shall be appointed—

Ordered That it be given as an Instruction to the Said Committee that they do not joyne with the Councill in the Consideration of Either of the petitions of *Edmund Jennings Esq^r* the Petition of *Mr Jⁿ Buckner* or any other matter which this house is already posselt of relateing to lands in *Pamunkey neck*—

Ordered That the State of his Maj^{ty} Revenue upon the Quitt rents and the State of his Maj^{ty} Revenue of 2^d *hhd &c^a* this day brought into the house by *Mr Wright* do lye upon the Table to be perused by the Severall members of the house—

A Petition of *Chichley Corbin Thacker* Clerk of the Secretarys Office referred by his Excelly and Council to the Consideration of this house was read and the same Setting forth that two books of Pattents in the Said Office are much out of repaire—

Ordered That *Mr Bland* and *Mr Hobson* att some convenient time goe and view what condition the said books are in and report their Opinions to the house whether the same do want a new transcribing

Ordered That *Mr Bland* *Mr Thorowgood* *Mr Edmondson* *Mr Thacker* *Mr Bray* and *Mr Mofely* doe forthwth waite upon his Excelly and the Councill and acquaint them that the house hath appointed two Committees to joyne with the two Committees of the Councill according to the message of this day—And have ordered the Said Committees to attend att such time and place as shall be appointed—

And they being returned

Mr Bland acquainted the house that they had Delivered the said Message to his Excelly and Councill and that his Excelly was pleased to say he would Signiye to the house the time and place—

Mr Treasurer Carter laid before the house his Account of the Imposition upon Liquors and of the imposition upon Servants and Slaves—

And the house thereupon observing that the Severall Collectors Accounts and Warrants relateing thereunto were not with them—

Ordered That *Mr Treasurer Carter* lay before the house the Said Accounts and Warrants as Soone as conveniently he can—

Ordered That *Mr Treasurers Carters* Accounts of the imposition upon Liquors and of the imposition upon Servants and Slaves doe lye upon the Table to bee perused by the Severall members of the house—

Mr Speaker having acquainted the house that *Mr Ballard* upon Extraordinary occasion was gone to his house in the Country and desired the house would please to Excuse his Absence

Ordered That his absence be Excused til the house Shall think fitt to give further ord^r concerning the same

Then according to the order of the day the house took into Consideration the report of the Committee of the whole house on *Fryday* last made upon the remaining part of his Excellys Speech and Letter and papers relateing thereunto and of his Excellys other Speech touching the revifall of the lawes and thereupon the Severall resolutions of the Said Committee and resolved as followeth

Resolved Nemine Contradicente That his Maj^{ty} Letter of the 19th of *Jan^y 1700 / 1* requireing this Colony to Contribute and furnish the Sume of nine hundred Pounds Sterling for and towards the Erecting and maintenance of fforts on the Northern ffrontiers of *New York* hath been obtained by false Suggestions and Misrepresentations

Resolved Nemine Contradicente that the Subjects of *New York* made those false representations merely to gaine a Contribution from the neighbouring Colonys and Plantations the better to Enable that Province to Erect and maintaine fforts for the Security of their Indian Trade—

Resolved Nemine Contradicente That the fforts already Erected on the ffrontiers of *New York* are no Security to this Colony and that (notwithstanding the same the Enemy may and frequently doth come upon our ffrontiers and Commit murthers and other mischiefs

Resolved

Resolved Nemine Contradicente That the building of more fforts upon the Said frontiers of *New York* will not any wayes availe to the Security and Defence of this Colony for that an Enemy may annoy or invade the fame and not come within one hundred Miles of any fort that can be built within the Province of *new york*—

Resolved Nemine Contradicente That it is absolutely necessary for undeceiving his Majesty and for Obviating like grants for the future that the Case between this Government and that of *New York* be fairly and truly represented—

Resolved Nemine Contradicente That the Consideraçon of a Suitable method to make Such representations to his Maj^{ty} be referred till to morrow morning—

Resolved Nemine Contra Dicente That the Condition of this Colony is Such that wee are not able to furnish the nine Hundred Pounds required by his Maj^{ty} to the Province of *New York*—

Resolved Nemine Contradicente That sending the Quota of men to the province of *New York* according to his Maj^{ty}s Commands will bee p'judiciall to his Maj^{ty}s Interestt att home & Endanger the Safety of this Colony—

Resolved Nemine Contra Dicente That itt is not probable any men can be Sent from this Colony Soone Enough to be Serviceable to the Province of *New York* upon an Invasion—

Resolved Nemine Contra Dicente That by méanes of the present publick Engagements and Such necessary provision as the Defence and Security of this Colony will from time to time require wee shall not be able to furnish the Province of *New York* wth money in Lieu of men—

Resolved Nemine Contra Dicente

That the Consideration of that Clause of his Excellys Speech wherein his Excelly acquaints us with his Receipt of a Letter from the Right Honorable *James Vernon* Esq^r his Maj^{ty}s principall Secretary of State concerning a Squadron of french men of Warr &c And of that Clause of his Excellys Speech which relates to the defence and Security of this Colony be referred till to morrow morning

Resolved Nemine Contradicente

That his Excellys Speech relateing to the Revifall of the Lawes the Addrefs of the Committee for Revifall of the Lawes to his Excelly the order of his Excelly in Councill thereupon and the humble representation of the Comittee for Revifall of the lawes to this Generall Affsembly be Severally referred to the Committee of Propositions and Grievances to Consider the Subject matter contained in the Same and report their opinions thereupon—

Then according to order a Petition of *John Buckner* concerning Land in *Pamunkey* Neck was presented to the house—

And the Same being read

Ordered That the Consideration of the Said Petition be referred to the Committee appointed to Examine the Subject matter of the Petition of *Edmund Jennings* Esq^r presented the last Sessïon in behalfe of himselfe and others claiming the Lands between the two *Herrings* Creeks on *Mattapany* in *Pamunkey* neck and they are to inquire into the merritts of the Same and report their Opinions therein—

Ordered That the Said Committee proceed upon the Said Petition on *fryday* next—

Ordered That the Clerk of the house Sett up a certificate at the Colledge door when and where the Said Committee is to Sit to the end *Chichley Corbin Thacker* or any other person concerned in the Land Mençoned in the Said Petition may be thereby informed when and where to appear and manifest their Claime—

A Message from his Excelly and Councill by Mr *Wright*—
Mr *Speaker*

I am ordered by his Excelly and Councill to acquaint this house that the honorable members of his Maj^{ty}s Councill appointed to joyne with a Committee of this house to consider of the most proper way and meanes to Strengthen the frontiers by Sea and land are ready now to Sit in the Councill Chamber or at any other time when the house Shall think fitt—

And

And that the other Committee appointed to inspect and Consider the whole proceedings of the Commissioners appointed to examine the Claimes and titles to Land in *Pamunkey* neck and on the South Side of *Blackwater* Swamp will be ready to Sitt tomorrow morning tenne a Clock in the Councill Office—

And then the house adjourned till to morrow morning nine a Clock—

Wednesday Aug^t y^e 20th 1701

A MESSAGE from his Excelly and the Councill by Mr Wright
Mr Speaker

I am ordered by his Excelly and the honorable Council to acquaint this house that the Honorable *Edmund Jennings* Esq^r *John Lightfoot* Esq^r and *Matthew Page* Esq^r are appointed a Committee to consider of Severall propositions laid downe concerning the building of the Capitoll and that his Excelly and the Councill do recommend itt to the burgeses to appoint a Convenient number of their house to joyne wth the Said Committee of the Councill in Consideration of the Same and that the Said Committee do forthwith Sitt in the Secretarys office—

Ordered That according to the Said meffage a Committee be appointed to joyne with a Committee of the Council to Consider propositions relateing to the Capitoll—

And a Committee was accordingly appointed Viz^t

Mr Bland..... Mr Gough

Mr ffofter..... Mr Thorowgood

Mr Harrifon Mr ffox

Ordered That the Said Committee attend the Councill according to the meffage—

Severall propositions of *Henry Cary* relateing to the Capitoll which were referred from his Excelly and Councill to the Consideration of this house were read—

A Petition of *Orlando Jones* referred by his Excelly and Councill to the Consideration of this house was read praying an allowance for his Attendance upon the Directors and Trustees appointed for the Settlement and Encouragement of the City of *Williamsburgh* as their Clerk according to an Agreement with the Said Directors—

And the Said Petition not being Signed

Ordered That the Same be rejected

Ordered That the Consideration of a Suitable method to represent to his Maj^{ty} the Case between this Government and *New York* referred till this morning be further referred till to morrow morning—

Ordered That the Consideration of that Clause of his Excellys Speech wherein his Excelly acquaints us wth his receipt of a Letter from the R^t Honourable *James Vernon* Esq^r his Majeftyes principal Secretary of State concerning a Squadron of french men of warr &c^a and of that Clause of his Excellys Speech, w^{ch} relates to the Defence and Security of this Colony referred till this morning be further referred till to morrow morning—

And then the house adjourned till to morrow morning nine a Clock—

Tuesday [Thursday] August the 21st 1701

MR Treafurer *Carter* according to order having laid before the house the Severall Collectors Accounts and warrants which relate to his Accounts of the Impositions upon Liquors and of the Imposition upon Servants and Slaves—

Ordered That the Said Accounts and warrants lye upon the Table to be perused by the Severall members of the house—

The Petition of *Robert Snead* for leave to lay before the house propofalls to undertake the building of the Capitall

Leave was given Accordingly

An



An thereupon the house being informed That he attended att the doore wth the Said propofalls he was called into the Houfe where being acquainted wth the leave given him he delivered the Said Propofalls and was ordered to withdraw—

And being withdrawne—

The Said Propofalls were read

Ordered That the Said Propofalls lye upon the Table to be to be perused by the Severall Members of the house

Then a motion being made and the Question put

That *Robert Snead* be ordered now to lay before the house the Drafts mençoned in his propofall concerning the Capitoll—

Itt passed in the Negative

M^r *Bland* acquainted the house that (according to order) he and M^r *Hobson* had been to view the two books of Pattent mençoned in M^r *Thackers* Petiçon and that the Covers of the same and four or five Leaves at the beginning of Each book were torne and that the alphabett of one wanted transcribing

Ordered That the Clerk of the Secretarys Office take care to gett the Said two Books new bound and the torn leaves and Alphabett fairly Transcribed and that in case a bookbinder cannot be got to new bind the Said books in the Office he take the best care he can to p^rserve the Same—

Then according to the order of the day the house took into Consideration a Suitable method to rep^rsent to his Maj^{ty} the Cafe between this Governm^t and *New Yorke* and after Some time Spent therein a Moçon was made and the Question put

That the house resolve into a Committee of the whole house to take the S^d matter into confideration—

And Itt passed in the Negative—

Ordered That the Confideration of a Suitable method to Represent to his Maj^{ty} the Cafe betweene this Government and *New York* be p^rceeded upon in the house next *Saturday* morning—

Ordered That the Confideration of that Clause of his Excellys Speech wherein his Excelly acquaints us of his receipt of a Letter from the R^t Honorable *James Vernon* Esq^r his Maj^{ty}s Principall Secretary of State concerning a Squadron of french men of warr &c^a and that Clause of his Excellys Speech w^{ch} relates to the Defence and Security of this Colony referred til this morning be further referred till next *Saturday* morning—

And then the house adjourned till to morrow morning nine a Clock

Fryday August the 22^d 1701

A PETITION of *Orlando Jones* referred by his Excelly and Councill to the Consideration of this house was read and the Said Petition Setting forth that the Directors and Trustees of the City of *Williamsburg* had agreed he should be paid for his Service as their Clerke after the rate of twenty five pounds a yeare and praying payment accordingly from the one and thirtieth of *Aug^t 1699* to this time—

Ordered That the Confideraçon of the S^d Petition be referred to the Committee for Publick Claimes to inquire into the merritts of the Same and report their Opinions therein—

Cöll *Leigh* from the Committee of Councill and Burgeffs appointed to Consider the most proper wayes and meanes for Strengthening the frontiers by Sea and Land & for the Discovery the approaches of an Enemy reported the proceedings of the Said Committee w^{ch} he read in his place and afterwards delivered them in att the Table—

Ordered That the said Report lye upon the Table

And then the house adjourned till three a Clock in the afternoone—

Post Meridiem

The Houfe mett and adjourned till to morrow morning nine a Clock—

Saturday

Saturday Aug^t the [2] 3^d 1701

MR Bland from the Committee of Councill and Burgeses last appointed to Consider Propositions relating to the Capitoll reported the Proceedings of the Said Committee which he read in his place and afterwards delivered them in att the Table—

Ordered That the Said Report lye upon the Table

Mr Waters reported that the persons appointed to carry to the Councill an Ordinance of Affsembly prohibiting Ordinary keepers to entertaine the workmen employed in building the Capitol had according to order Delivered the same and Desired the Councills concurrence thereunto—

Then the house was called over and the absence of Some that did not appear were Excused—

Ordered That the messinger doe forthwith goe about Towne and Summons Mr Bray Mr Sullivant And Mr Thorowgood to give their imediate attendance upon the Service of the house

A Message from the Councill by Mr Wright—

Mr Speaker

The Councill upon reading the report of the Committee appointed to inspect and consider the whole proceedings of the Commis^{rs} appointed to Examine the Claimes and Titles to land in *Pamunkey Neck* and on the South side of *Blackwater Swamp* in their Severall Courts. that the Same be now wth all Expedition compleated perfected and ended And also a Petition of some of the *Pamunkey* Indians praying for a patent to be to them granted finding Severall Difficultyes in Settling the Indian affaires doe desire a free Conference to be held on *wenedesday* next in the Councill Chamber by five of their members wth such a convenient number of Burgeses as the house shall think fitt to consider the best and properest methods to Settle all matters relating to Indian affaires and concludeing all busineis relating to *Pamunkey neck* and *Blackwater* Lands and their Courts And are further ordered to acquaint this house the Councill do desire a Speedy answer to the end his Excell^y may Send for the Severall Indians Concerned—

Resolved That the house doth agree to the Conference desired by the Counfill

Ordered That managers be forthwith appointed by the house for the Said Conference—

And managers were accordingly appointed Viz^t

Mr Miles Cary.....Mr Westcomb

Mr RobinsonMr Beverley

Mr Kenner.....Mr Barber

Mr Willson.....Mr Corbin

Mr SpenceMr Bland

Ordered That the Said managers attend att time and place appointed for the Said Conference—

Ordered That a message be sent to acquaint the Councill that the house doth agree to the Conference Desired and that tenne of the members of this house are appointed to attend the Same according to the Councills message this day—

Ordered That Mr Cary Mr Corbin and Mr Kenner forthwth carrye the Said message And they being returned—

Mr Cary acquainted the house they had delivered the Said Message to the Councill—

Then the Messinger being called into the house and Examined concerning his performance of the ord^r requireing him to Summons Severall members to give their immediate attendance upon the Service of the house he was ordered to withdraw—

And being withdrawne

Ordered That Mr James Bray be Sent for in Custody of the Messinger to answer his default in not attending (according to his duty) the Service of the house—

Ordered

Ordered That the Absence of Mr *Daniell Sullivant* be excused for the sake of his Indisposition—

Then according to order the house proceeded to the further consideration of a Suitable method to represent to his Majesty the case between this Govern^{mt} and *New York* and being in Debate concerning the Same was informed that Mr *Wright* attended at the dore with a message from the Council—

Ordered That the Debate be adjourned and Mr *Wright* Admitted to Deliver his Message—

Then Mr *Wright* brought into the house an ordinance of Assembly prohibiting Ordinary Keepers to Entertaine the workmen imployed in building the Capitoll and having acquainted the house that the Council agreed to the Same with some Amend^{mts} did withdraw

Ordered That the Said Amendments be read and considered on *Monday* next—

Then the house resumed the adjourned debate concerning a Suitable method to represent to his Majesty the Case between this Govern^{mt} and *New York* and after Some time Spent therein and

The Question Put

That an Agent be imployed to represent to his Majesty the Case between this Govern^{mt} and *New Yorke*

Resolved In the Affirmative—

Then Mr *James Bray* who was ordered to be Sent for in Custody of the messenger to answer his Default in not attending the Service of the house appearing in his place was ordered to withdraw—

And being withdrawne Some time was Spent in Debate whether he ought to take his place before he had answered his default whereupon he was called into the house and heard what he had to Say in Excuse of his Absence and then ordered to withdraw againe—

Resolved That the house is Satisfyed with the Excuse Mr *Bray* now made for his absence from the house—

Ordered That he be called into the house and directed by Mr *Speaker* to take his place which was done accordingly

Then a motion was made and the Question put—

That the nomination of a person for an Agent be referred till a further audit—

Passed in the Negative—

And the house thereupon proceeding in a Debate whether an Agent Shall be Sent from *Virginia* or a person imployed that resides in *England*—

The Question was put

That an Agent be Sent from *Virginia* and Itt passed in the Negative—

And then the house agreed that the choice of a proper person in *England* should be referred till *tuesday* next—

Ordered That the Consideration of that Clause of his Excellys Speech wherein his Excelly acquaints us wth his receipt of a Letter from the right Honorable *James Vernon* Esq^r his Maj^{ty}s Principall Secretary of State concerning a Squadron of french men of warr &^{ca} and of that clause of his Excellys Speech which relates to the defence and Security of this Colony referred till *tuesday* morning next—

Mr *Cary* from the Committee of Council and Burgesses appointed to inspect and consider the whole proceedings of the Comm^{rs} appointed to Examine the Claimes and Titles to Lands in *Pamunkey* neck and on the South Side of *blackwater* Swamp reported the proceedings of the Said Committee which he read in his place and afterwards delivered them in att the Table—

Ordered That the Said Report lye upon the table

Mr *Bland* and Mr *Wilson* moveing for leave to goe into the Country upon vrgent occasions

Leave was given accordingly—

Ordered

Ordered That they give their respective attendances againe upon the Service of the house on *Tuesday* next in the morning—

And then the house adjourned till *Monday* morning tenne a Clock—

Monday Aug^t 25th 1701

MR *Leigh* from the Committee of propositions and Grievances reported that the Said Committee had taken into consideration Severall matters to them referred and therein had agreed upon Severall resolutions which he read in his place and afterwards Delivered in att the Table where they were againe read and the house proceeded to take the Same into imediate Consideration—

And thereupon a Report of the Said Committee made upon a Grievance from *Henrico* and *New Kent* Counties for another bridge over *Chickahominy* Swamp that the Law already made to impower County Courts to Levy on the people the charge of Bridges may be amended being read. The House agreed to the Said report *viz^t*) That the Said Law is a good and Equall law in Such Cafes—

Ordered The Said Grievance be rejected—

Then a report of the Said Committee of Grievances and Propositions made upon a Grievance from the Inhabitants on the South Side of *James River* in *Charles City* County and upon A grievance from the Inhabitants on the north Side the Said River in the Said County being read—

Ordered That the Consideration of the Said report be referred till *thursday* next—

Then a Report of the Committee of Grievances and propositions made upon a Grievance from *Surry* and *Henrico* Countyes praying that probates of Wills and Commissions for Administrations bee Signed in the Countys where they were granted and upon a proposition of the Said County of *Surry* and County of *Nansemond* that grand Juryes be Summoned twice a yeare to make presentments and immediately discharged being read—

The house agreed to the Said Report (*Viz^t*)

Resolved That forasmuch as the Committee appointed for Revifall of the Lawes have had the Said Severall matters under their consideration and past Suitable Votes therein the same be noe further provided in att this time—

Then a report of the Committee of propositions and Grievances made upon a Proposition from *Surry* County for ascertaining the bounds of the Said County next unto the Countyes of *Charles City* and *Ifle of Wight* being read

Ordered That the Consideration of the Said Report be referred till *Thursday* next

Then a report of the Committee of Propositions and Grievances made upon a grievance from *Surry* County That a Suitable Clause may be added to the Law already in force for Transportation of Negroes Sett free whereby Such Negroes may be hindered from returning againe being read—

The house agreed to the Said Report *Viz^t*—

That the Consideration of the Said Grievance be referred to the Committee appointed for revifall of the Lawes

Then a Report of the Committee of Propositions and Grievances made upon a Proposition from *Elizth City* County for Liberty to keep more Ordinarys in the Said County—being read

The house agreed to the Said report *Viz^t*—

That the Said Proposition lyes under the consideration of the Committee for Revifall of the Lawes

Resolved That the Said Proposition be no further proceeded in att this time—

Then a report of the Committee of propositions and Grievances made upon a grievance from *Elizth City* County for regulating all the Counties and Parishes in *Virginia* being read

The house agreed to the Said report

Ordered

Ordered That the Said Proposition be rejected

Then a report of the Committee of grievances and Propositions made upon a Grievance from *Northumberland* County concerning horse races and other Publick meetings on *Saturdaies* by meanes whereof many impieties are perpetrated and the Sabbath profaned—being read—

The house agreed to the Said Report (*Viz*)

That the Lawes already made do Sufficiently provide for the punishment of such offenders—

Ordered That the Said Grievance be rejected

Then a report of the Committee of propositions and grievances made upon a grievance from *Henrico* County occasioned by an opinion of the late Attorney Generall touching Escheats being read

The house agreed to the said report and Resolved as followeth

Resolved That the report of the Late Attorney Gen^l wherein he gives his Opinion that the buildings and improvements made upon Land which Escheat to his Maj^{ty} Should be valued by the Jury finding the Escheat and that the Grantee Should pay So much per Cent composition for the Same as Shall be thought reasonable is an Erroneous Report and Contrary to Law—

Resolved That putting the said report in Execution is an infringement of his Maj^{ties} Royall Charter to this Colony and a great injury to the Inhabitants thereof

Then a Report of the Committee of Grievances and Propositions made upon a Grievance from *Henrico MiddSex Northampton & Accomack* Countyes praying that the ministers may not be allowed forty pounds of Tobacco per pole for their Annually maintenance being read—

The house agreed to the Said Report (*Viz*)

That itt will be time enough to consider the Said Grievance when the Committee appointed for the revivall of the Lawes make report of Such an allowance—

Ordered That the Said Grievance be rejected

Then a report of the Committee of Grievances and propositions made upon a grievance from *Accomack* County praying that ministers May be fined w^{ch} Shall presume to marry white people and black together—being read

The house agreed to the Said report *Viz*—

That the Said Proposition is reasonable—

Ordered That itt be given as an instruction to the Committee appointed for revivall of the Lawes to make Suitable provision against ministers marrying white people and black together—

Then a report of the Committee of propositions and grievances made upon a report from *Midd^x* County praying that Negroes be not kept att Quarters without Overseers—being read

The House agreed to the Said report *viz*

That the Laws, already made do Sufficiently provide concerning the same—

Ordered That the Said Grievances be rejected—

Then a report of the Committee of propositions and grievances made upon a Grievance from *Northampton* County about unruly horses being read—

The house agreed to the Said report

Ordered That the consideration of the Said grievance be referred to the committee for revivall of the Lawes—

Then a report of the Committee of Propositions and Grievances made upon a Grievance from *Ifle* [of] *wight* county complaining that fines are Levied on the People and not appropriated to the use of the Country being read

The house agreed to the Said report

Ordered That the Said Grievance be rejected

Then a report of the Committee of greivances and propositions made upon a Grievance from *Henrico* county concerning rights to take up land by being read the house agreed to the Said report *Viz*

That

That the Said matter lyes under the confideraçon of the Committee for revifall of the Lawes—

Resolved That the Said Grievance be not further proceeded in att this time—

Then a report of the Committee of propofitions and grievances made upon a Petition of *John Kingfton Ferryman* att *Capahofack* in *York* river praying Liberty of a convenient Landing place on the South Side of the Said River being read

The houle agreed to the Said report (*Viz'*)

That the Petition is reasonable—

Ordered That the confideration of the faid Petition be referred to the committee for the revifall of the lawes

Then a report of the committee of grievances and propofitions made upon a petition of *Richard Hutchins ferryman* att *Bowles ferry* in *Rappahannock* River complaining that *Henry Nixon* defignes to keep a ferry juft by him which will be at his great p^rjudice—being read

The houle agreed to the Said report

Ordered That the confideration of the Said Petition be referred to the Committee appointed for Revifall of the Lawes

Then a report of the Committee of Propofitions and Grievances made upon a grievance from the Inhabitants of *St Johns Parifh* in *King* and *Queen* County praying that a Divifion be made of the Said County or that a Court houle be built in the Said Parifh—being read

Ordered That the confideration of the Said report bee referred till *Thurfday* next

Then according to order the Amendments propofed by the Counfill to the ordinance of Affembly prohibiting Ordinary Keepers to Entertaine the workmen employed in building the Capitoll being read

The fame were agreed to by the houle and incerted in the ordinance—

Ordered That *M^r Milner* *M^r Applewaite* and *M^r Sullevant* forthwith carrye back to the counfill the Said Ordinance for their view That the Amendments propofed by them are agreed unto and incerted in the Ordinance—

M^r Cary from the Committee to whom itt was referred to confider the Petition of *Edmund Jennings Elq^r* in behalfe of himfelfe and others claiming the land between the two *herring* Creeks on *Mattapany* in *Pamunkey* Neck and another Petition of the faid *Edmund Jennings Elq^r* concerning Lands granted him by Patent And alfoe the Petition of *John Buckner* concerning Lands in *Pamunkey* neck Reported the faid Committee had taken the Subject matter of the faid Severall Petitions into confideration and therein agreed upon Severall refolutions which he read in his place and afterwards delivered in att the table—

Ordered That the faid report doe lye upon the table

The houle being informed by a Member of the houle that *M^r Barber* being fick defired his abfence from the fervice of the houle might be excufed—

Ordered That his abfence be Excufed untill the State of his health will admitt him to attend upon the Service of the houle

And then the houle adjourned till to morrow morning nine a Clock—

Tuesday Auguft the 26th 1701

M*R Milner* reported that according to order the perfons appointed had delivered to the Counfill the ordinance of Affembly prohibiting Ordinary Keepers to Entertaine the workmen employed in building the Capitoll—

Then according to order the houle proceeded to the choice of an Agent in *England* and thereupon two perfons being nominated *viz'*

M^r William Byrd Junior

and

Collonell Philip Ludwell

After

After some Debate the house agreed that the Question Should be put—
 And the Question being accordingly put
 That M^r William Byrd Jun^r be Agent
Resolved in the Affirmative

Then according to order the house proceeded to the Consideration of that Clause of his Excellys Speech wherein his Excelly acquaints us with the receipt of a Letter from the right honorable *James Vernon Esq^r* his Maj^{ty}s Principall Secretary of State concerning a Squadron of *french* men of warr &c^a and of that Clause of his Excellys Speech which relates to the Defence and Security of this Colony and with the same took into Consideration the report of the Committee of Councill and Burgeffs appointed to consider the most proper waies and meanes for Strengthening the frontiers by Sea and Land and for the Discovering the approaches of an Enemy—

And the Said Letter Clauses and report being Severally read and partly considered—
Ordered That the further consideration thereof be referred till to morrow morning—

M^r Wright brought into the house the Ordinance of Assembly prohibiting Ordinary keepers to Entertaine the workmen employed in building the Capitol—agreed to by the Councill—

And then Delivered from the Councill the written meffage—
By the Councill—

M^r Speaker

His Excelly intended to have Spoken to you himfelfe but being indisposed att present hath desired us to communicate to you the Severall Propositions now Sent for your Consideration

And afterwards he presented Severall other Papers (*Viz*)

His Excellys Propositions mençoned in the Said Meffage—

A Paper of Amendments prepared by his Excelly and the Councill to the report of the Committee of Councill and Burgeffs appointed to consider of the most proper waies and meanes for Strengthening the frontiers By Sea and Land and for Discovering the approaches of an Enemy—

A Copy of a Clause in Governour *Nanfands* Letter concerning the five nations of Indians at *New York*.

A Copy of two Clauses in Letters from the Lords Comm^{rs} for trade and Plantations dated *June* the Twenty Eighth 1699 and *January* the fourth 1699—1700 relateing to the building an House for Governour—

A Copy of two Clauses in Letters from the Lords Comm^{rs} for Trade and Plantations dated the fourth of *December* 1700 and the Eighteenth of *ffbruary* 1700—1701 relateing to the Militia and Stores of warr wth a Copy of an Order of Councill made upon Severall letters to his Excelly concerning fferryes and Posts—

An Account of Stores att *James City*—

Severall orders of Councill made the third and fourth of *July* 1701—

An Account of Severall publick Charges—

Two orders of Councill concerning Rangers—Dated the Eighth of *May* and Eleventh of *August* 1701

A Plott of Sixty three Acres of Land for the Gov^{rs}s house—

A Petition of the Directors and Trustees of the City of *Williamsburgh* that payment be made for the Land laid out for the Said City And

A Petition of *Charles Evans* in behalfe of his master *John Woodson* for further allowance for writeing the Pirate Tryalls—

All which Papers were read. And his Excellys Propositions were as followeth—
Honorable Gentlemen

According to my promise to you heretofore to lay before you what (with the advice of his Maj^{ty}s Honorable Councill) I have already done for the Security of this his maj^{ty}s most antient and great Colony and Dominion of *Virginia* as likewise Severall Propositions by Gods Assistance towards fully Effecting the same. I now offer these that follow to your Consideration

Whereas

Whereas Severall Parishes in this Country are not able of themselves to maintaine a minister to preach weekly by which meanes piety decayes the Sabbath is prophaned and the Inhabitants thereby Encouraged in a Loose Lycentious and Dissolute Course of life—

1 That therefore care be taken to make the parishes Equall by Confold'tating them that they may be enabled to maintaine a minister—

2 That Some effectuall care be taken for the Safety and Security of this his Maj^{ty}s most Antient and great Colony and Subjects here inhabiting to furnish the Inhabitants wth Armes and Ammunition and all Habiliments of warr for their necessary defence upon any Sudden attempt made against them—

3 That due Consideration be had to all the Subject matter of the proceedings in Councils the third and fourth *July* last and what was then laid before the Committee appointed to revise the lawes for putting this Country into a posture and State of Defence in case of an Invasion Either by Sea or Land (which God avert)

4 Whether it is not most proper in regulateing the Militia that Every Company consist only of fifty Soldiers and Every troop of thirty—

5 That an Address be made to his most Sacred Maj^{ty} that two Engineers and five masters well Skilled in managing mortar pieces Granadoes and all fire works for warr may be Sent hither and all materials for that purpose wth Granadeer and Dragoon Armes & all materials for making fire Ships—

6 That care be taken for Speedy conveying of all Publick letters what shall be accounted Such how and by whom to be Superferibed and that all delinquents therein be punished—

7 And that for the more Speedy Dispatch of all Publick busines Consideration be had That publick ferries be well and Sufficiently kept and maintained in all Convenient places and that all great bridges from County to County or otherwise be Strongly made and Sufficiently repaired—

8 That Severall particular places be appointed in each County for Expresses to be Sent to—

9 That care be taken to restrain Seamen from deserting their Service which is very often to the loss and ruine of the Voyage and great prejudice of the Owners

10 That Especiall care be taken to restraine Seamen belonging to any of the Kings Shippes in the Colony from Deserting their Service—

11 That Severe penalties be inflicted upon all such as harbour or Entertaine them knowingly or willingly And that all that harbour or Entertaine Truck or deale with any Servants or Slaves belonging to Inhabitants of this Country and all such as shall advise Encourage Aid or abett any Servants or Slave in Evill and dissolute practises be Severely punished—

12 Whereas when Embargoes are laid Severall Ships Notwithstanding Such Embargo Steal away from the fleet which may be of very dangerous Consequence— That some care be taken to prevent the same that itt may answer the end for which itt is laid—

13 That for the more Effectuall Suppressing of sin and Vice and obtaining due Conformity and Obedience to the Lawes One Act be Etablised and made to reinforce the due Observation of all penal Lawes now in force and putting the Same in Execution—

14 That Some Speedy care be taken to make all the Countyes in this Colony and Especially those between *James River* and *York River* from head to the Mouths thereof more Compact then now they are by Devideing and bounding them in Some other manner—

15 That if itt may be Effected no one County be less then Eight hundred Tythables and no one Parish less than four hundred Tythables—

16 That one and the Same County and one and the same parish shall not be divided by a River where it may conveniently be done without—

17 That if they cannot agree for Dividing the Counties that care be taken concerning the City of *Williamsburgh* itt being Seated in two Counties the Sheriffs power may Extend ittselfe into Each County that Jurors may be taken to attend the Gen^{all} Court—

18 That they renew the Imposition Acts And also

19 Some Accounts of disbursements for Publick Charges amounting to . . . £146: 8: 3

20 That due regard be had to the Representation of the Directors and Trustees of the City of *Williamsburgh* concerning payment to be made to the Severall proprietaries for the Land Assigned—

21 That you take care that a house be Erected for the Governours of this Colony to make his Residence att the aforefaid City of *Williamsburgh* according to his most Sacred Maj^{ty} Royall Instru^{ct}ions therein given and the Instru^{ct}ions thereupon of the R^t Hon^{ble} the Lords Comm^{rs} of Trade and plantations w^{ch} I now give—

And in your whole proceedings I Pray God Direct you

Jfr. Nicholson

Resolved That this house will upon *ffryday* morning next resolve ittselfe into a Committee of the whole house to consider his Excellys Propositions this day sent into the house together with the papers relateing thereunto—

Ordered That the Considera^{co}n of the Peti^{co}n of the directors and Trustees of the City of *Williamsburgh* that payment be made for the land laid out for the Said City and also—

The Consideration of the Petition of *Charles Evans* in behalfe of his master *John Woodson* for further allowance for writeing the Pirates Tryall referred to the Said Committee of the whole house—

Ordered That the Amend^{mts} proposd by his Excelly and Councill to the report of the Comi^{tee} of Councill and Burge^{ss} appointed to consider of the most proper wayes and meanes for Strengthening the frontiers by Sea and Land and for discovering the Approaches of an Enemy be taken into Consideration to morrow morning with the Said report—

Mr *Wright* by Order of his Excelly laid before the house the Lifts of Tythables and untithables the militia Lifts and the Lifts of Select men to goe out to warr as occasion

And then the house Adjourned till to morrow morning Eight a Clock—

Wenesday August the twenty Seventh 1701

THE house was called over and the absence of those that did not appear Excused—

Then according to order the house proceeded in the further consideration of that clause of his Excellys Speech wherein his Excelly acquaints us wth his receipt of a Letter from the R^t Hon^{ble} *James Vernon* Esq^r his Maj^{ty} Principall Secretary of State concerning a Squadron of french menn of warr &^{ca} and of that Clause of his Excellys Speech which relates to the defence and Security of this Colony and allso of the report of the Committee of Councill and Burge^{ss} appointed to consider the most proper wayes and meanes for Strengthening the frontiers by Sea and Land and for Discovering the approaches of an Enemy and wth the same according to ord^r took into consideration the Amendments proposd by his Excelly and Councill—to the Said report and after some time spent therein agreed upon Severall resolutions as followeth—

Resolved That a bill be prepared for Strengthening the frontiers by Sea and Land and for discovering the approaches of an Enemy—

Ordered

Ordered That itt be referred to the Committee of propositions and Grievances to prepare and bring in a Bill accordingly—

Ordered That itt be an Instruccion to the Said Committee that in preparing the said bill they duly consider the report of the Committee of Councill and Burgeffs appointed to consider the most proper wayes and meanes for Strengthen the frontiers &^{ca}

And also the amendm^{ts} propoosed by his Excellcy and Councill to the Said Report and that they have liberty to make use of alter or leave out any Clause contained in Either of the Same as they think fitt—

Ordered that itt be a further Instruccion to the said Committee that in p'pareing the Said Bill they have power to receive and consider any new proposition w^{ch} may concerne the Said Bill and as they think fitt to make use of or reject itt—

Resolved That the Bill concerning the militia of this Colony prepared by the Committee appointed for revifall of the Lawes be considered this Session

Ordered That itt be referred to the Committee of Propositions and Grievances to take the Said bill into consideration and to alter or add unto the Same what they think neccessary and that they report their p'ceedings to the house—

Ordered That itt be an Instruccion to the Said Committee that they duly consider that part of the report of the Committee of Councill and Burgeffes appointed to consider the most proper wayes and meanes for Strengthening the frontiers &^{ca} which concerne the militia bill and also the Amendments propoosed by his Excellcy and the Councill to the Said report and that they have liberty to make use of alter or leave out any Clause contained in either of the same as they think fitt

Ordered That M^r Mason M^r Ballard and M^r Fitzhugh this day attend the Conference wth the Councill in the roome of M^r Barber M^r Robinson and M^r Kenner who are absent—

Then the house adjourned till three a Clock in the afternoone—

Post Meridiem

The house mett and Adjourned till to morrow morning Eight a Clock

Thursday Aug^t the 28th 1701

THE house according to Ord^r proceeded to the consideration of three reports made by the Committee of Grievances and Propositions referred to this day and thereupon

The report of the Said Committee made upon a Grievance from the Inhabitants on the South Side of *James River* in *Charles City* County And upon a grievance from the Inhabitants on the North Side the Said River in the Said County the first praying that a Court house be built on the South Side *James River* So that a Court may be held there once in two months and the last setting forth that itt will be an unportable charge and that they had rather the County Should be devided So the bounds be enlarged on their house—being read

The house agreed to the Said Report *Viz*—

That the Said South Side of *Charles City* County is Capable of being enlarged and in all likelihood within a few years will be So farr Seated as to be bigg Enough for a County ittselfe and that the building of a Court house now must be very inconvenient when itt comes to pass—

Ordered That the Grievance of the Inhabitants on the South Side *James River* in *Charles City* County be rejected—

Then the Report of the Committee of grievances and propositions made upon a proposition from *Surry* County for ascertaining the bounds of the Said Countyes next to the Counties of *Charles City* and *Isle* [of] *Wight* being read

The

The house agreed to the Said report *Viz*—

That the Lines of the Severall Countyes on the South Side *James* River already made to the *Blackwater* Swamp be continued the Same Courfe on the Southside of the Said Swamp as farr as the Government Extends—

Ordered That itt be referred to the Committee of Publick Claimes to prepare and bring in an Ordinance of Affembly concerning the Same—

Then the report of the Committee of Grievances and propofitions made upon a Grievance from the Inhabitants of *S^t Johns* Parifh in *King* and *Queen* County praying that a Devifion may be made of the Said County or that a Court houle be built in the Said parifh—was read—

And itt thereupon appearing doubtfull whether in the Said Parifh there be a Suffi-
cient number of freeholders to perform the Offices of a diftinct County—

Ordered That a Committee be appointed to inquire what number of freeholders inhabite in the faid Parifh

And a Committee was accordingly appointed *Viz*

M^r fifhugh *M^r Kenner*

M^r Wellburne..... *M^r Sullivant*

Ordered That the Said Committee report Specially the names of the freeholders and the Quantity of Land they refpectively hold and bring in their report to morrow morning—

Resolved That to morrow morning after the Said report is made the houle will take into further confideration the aforefaid report of the Committee of Grievances and Propofitions—

M^r Leigh from the Committee of propofitions and Grievances reported that the faid Committee in Severall matters to them referred had agreed upon Sev^{all} Refolutions which he read in his place and afterwards delivered in att the table where they were againe read—

Ordered That the Confideration of the Said reports be referred till next *Saturday* morning and that in the mean time they lye upon the table to be perufed by the members of the houle—

Then a mo^oon was made that the houle do forthwth proceed to the Confideration of the report of the Committee of Councill and Burgeffes laft appointed to confider of propofitions relateing to the Capitol—

And after fome Debate the mo^oon was agreed to

And thereupon the firft report of the Said Committee being read—

Wherein It is propofed That the Crofs Gallory be built of the fame breadth the main buildings is

Resolved That the houle doth difagree to the Said report—

Then the Second report of the Said Committee being read—

Wherein itt is propofed That the Porches be built Circular fifteen foot in breadth from Outfide to Outfide and that they ftand upon Cedar Collums—

Resolved That the houle doth agree to the Said report wth this addition That in cafe Cedar pofts be not to be had they be Sett upon pofts of other wood—

Then the third report of the Said Committee being read

Wherein Itt is propofed that all the great dores be arched and that itt be left to the Committee which now is or hereafter Shall be appointed to overfee the building of the Capitoll to Direct what other Doores Shall be made therein—

Resolved That the houle doth agree to the Said report—

Then the fourth Report of the Said Committee being read

Wherein itt is propofed that itt be referred to the Committee that itt now is or hereafter Shall be appointed to Overfee the building of the Capitol to confider and direct where the four Gallorys Shall be placed which are to be made in the roome the Generall Court is to Sit in—

Resolved the houle doth agree to the Said report

Then

Then the fifth Report of the Said Committee being read—

Wherein itt is propofed that the Overfeer that now is or hereafter Shall be appointed to Overfee the building of the Capitol have liberty to take So much roome out of the Adjacent roomes as in his difcretion he fhall think fitt for the carrying up a Suitable pair of Staires—

Refolved That the houfe doth agree to the Said report

Then the Sixth report of the Said Committee being read

Wherein itt is propofed that the windowes in the lower Story be arched—

Refolved That the houfe doth agree to the Said Report

Then the Seventh report of the Said Committee being read—

Wherein itt is propofed that the lower floors be raifed two feet from the Ground—

Refolved That the houfe doth agree to the Said report

Then the Eighth and laft report of the Said Committee being read

Wherein itt is propofed that the Committee appointed to overfee the building of the Capitoll have power to fend to *England* for all fuch materialls as are yet wanting from thence to finifh the work—

Refolved That the houfe doth agree to the Said report—

Refolved That the houfe will to morrow morning confider the propofalls of *Robert Snead* prefented to the houfe on *thurfday* laft—concerning his undertaking to build the Capitoll—

Ordered That leave be given to *Mr Nathan^l Harrifon* to goe to his owne houfe in the Country for recovery of his health—

And then the houfe adjourned till to morrow morning ten a Clock—

Fryday Aug^t the 29th 1701

MR *Westcomb* moveing for leave to withdraw Sometime upon a particular occasion leave was given accordingly

Mr ffithugh from the Committee appointed to inquire what number of freeholders inhabite in *St Johns Parifh* in *King* and *Queen* County reported the proceedings of the Said Committee which he read in his place and then delivered them in att the table where they were againe read—

And itt thereupon appearing that the report was not quite full Enough in Some particular matters—

Ordered That the Said Committee do forthwth withdraw and amend the Same—

Mr Leigh from the Committee of Propositions and Grievances to whom it was referred to confider the Bill concerning the Militia prepared by the Committee appointed for revifall of the Lawes and to alter or add unto the Same what neceffary

Reported That the Said Committee had accordingly confidered the Said Bill and agreed upon and made Some alterations and additions thereunto and then delivered the faid Bills in att the table—

And thereupon the Said Bill being read the firft time—

Ordered That the Said Bill be read a fecond time to morrow morning—

Then *Mr ffithugh* from the Committee to whom it was referred to inquire what number of freeholders inhabit in *S^t Johns Parifh* in *King* and *Queen* County reported that the Said Committee according to ord^r had made fome Amend^{mts} in their report of this morning which he read in his place and afterwards Delivered the report in att the Table where the Said Amendm^{ts} were againe read—

And thereupon according to ord^r the houfe took into further confideraçon the report of the Committee of Propositions and grievances made upon a grievance from the Inhabitants of *S^t Johns Parifh* in *King* and *Queen* County praying that a Devifion may be made of the Said County or that a Court Houfe be built in the Said Parifh and thereupon refolved as followeth

Refolved

Resolved That itt doth appear that Eighty nine freeholders are resident in S^t Johns Parish in *King* and *Queen* County and that the Same is a Sufficient Number to perform the Offices of a Distinct County

Resolved That the house Doth disagree to the Report of the Committee of propositions and grievances whose Opinion is for rejecting the Grievance of the Said Parish—

Resolved That a Bill be prepared for deviding *King* and *Queen* County into two Countys and for makeing S^t Johns Parish a Distinct County of itt Self—

Ordered That itt be referred to the Committee of Grievances and propositions to prepare and bring in a Bill accordingly—

Then a motion being made and the Question put that the Said Bill be drawne after the forme of a bill prepared for Devision of the Said County in the Yeare 1696—

Itt passed in the Negative

Ordered That it be an Instruction to the Said Committee to draw the Said Bill after the forme of an Act made in the yeare 1691 for Dividing *Rapahonock* County *Mutatis Mutandis*

Then according to order the house took into Consideration the Proposals of *Robert Snead* presented to the house on *Thursday* the one and twentieth Instant concerning his undertaking to build the Capitoll and after some time Spent therein a motion being made—

And the Question being Putt

That a Committee be appointed to inquire into the proceedings of the Committee appointed to inspect and oversee the building the Capitoll—

Resolved in the Affirmative

And a Committee was accordingly appointed (*Viz*)

M^r *Tayloe*.....M^r *Barber*

M^r *Bland*.....M^r *Fox* and

M^r *Corbin*.....M^r *Cook*

Ordered That itt be an Instruction to the Said Committee to inspect the Act Directing the building the Capitoll &^{ca} and Examine the proceedings of the Committee appointed by the Said Act to oversee the building of itt That they State the whole matter as itt appears to them and also a particular Account of the moneys disbursed or ordered by the Committee for that Service and report the Same to the house wth all convenient Expedition—

Then according to order the house resolved itt Selfe into a Committee of the whole house to consider his Excellys Propositions and the papers relating thereunto sent into the house on *Tuesday* last and therein having Spent some time M^r *Speaker* resumed the Chaire—

And M^r *Cary* reported that the Said Committee not having time Sufficient to consider thorowly the matters to them referred had directed him to move the house for leave to Sitt againe—

Resolved That this house will att Eleaven a Clock on *monday* morning next Resolve itt Selfe into a Committee of the whole house to consider his Excellys Propositions and the papers relating thereunto Sent into the house on *Tuesday* last

Ordered That the Peticon of the Directors and Trustees of the City of *Williamsburgh* that payment be made for the land laid out for the Said City and also the Peticon of *Charles Evans* in behalfe of his Master *John Woodson* for further allowance for writeing the Pirate Tryalls be considered by the Committee of the whole house on *Munday* next—

Ordered That the whole House be called over on *monday* morning att tenne a Clock

M^r *Cary* from the Conference wth the Councill appointed to consider the best and properest methods to Settle all matters relating to the Indian Affaires and Concluding all business relating to *Pamunkey* Neck and *Blackwater* Land and their Courts reported the proceedings of the Said Conference which he read in his place and thenn Delivered them in att the Table—

Ordered That the Said report doe lye upon the Table to be perused by the members of the house M^r *Waters* acquainted the house that he himself was very much indisposed that

that he had an account his family was Sickly and that Mr *Powell* his fellow member for *Northampton* County did lye dangerously ill and thereupon moveing for leave for himself and the Said Mr *Powell* to goe to their owne houfes leave was given accordingly—

And then the house adjourned till to morrow morning Eight a Clock

Saturday August the 30th 1701

A BILL concerning the Militia being according to order read the Second time—
Ordered That the Said Bill be ingrossed and read a third time
Ordered That leave be given to Mr *Mason* to go to his owne house his wife and family being very Sick—

Then according to ord^r the house proceeded to the Consideration of the reports of the Committee of Propositions and Grievances presented to the house on *thursday* last and thereupon the report of the Said Committee made upon an Order of the last Session referring the Consideration of a method to prevent the Inhabitants of *Maryland* committing our runaway Servants to prison and there keeping them untill the Charge Exceeds the value of the Servants—being read

The house agreed to the Said report

Ordered That the Consideration of a method to prevent the inhabitants of *Maryland* committing our runaway Servants to prison and there keeping them untill the Charge Exceeds the value of the Serv^t be referred to the Committee appointed for Revivall of the Lawes—

Then the report of the Committee of Propositions and Grievances made upon a Grievance from *Norfolk* County complaining that a Chappell of Ease formerly built by the Inhabitants of the Southerne Branch Precinct of the Said County is pulled downe and rebuilt in an inconvenient place for about three fourths of the people in the Said precinct contrary to the order and intent of Some of the Vestry and thereupon praying that the freeholders of the Said County of *Norfolk* may have Liberty to Elect a new Vestry being read

The house agreed to the Said report and thereupon Resolved as followeth

Resolved That the proceedings of the Vestry of *Elizth River* Parish in *Norfolk* County in Affessing the Charge in building and maintaineing Chappells upon a particular precinct when att the Same time the Charge of the mother Church is laid upon the whole parish is Arbitrary and illegal—

Resolved That the pulling downe an old Chappell built att the proper Cofts and Charge of the Inhabitants of the Southerne branch precinct in *Norfolk* County and building a new one in another place farr Distant without the Consent of the Said Inhabitants is Arbitrary and illegal—

Resolved That the proceedings of the Vestry of *Elizth River* Parish in *Norfolk* County in Affessing the whole charge of building a new Chappell upon the Inhabitants of the Southerne Branch Precinct in the Said Parish is Arbitrary and Illegal

Resolved That itt is reasonable the Inhabitants of *Elizth River* Parish in *Norfolk* County have Liberty to Chooße a New Vestry—

Then the Report of the Committee of Grievances and Propositions made upon a Grievance from *Norfolk* County that y^e inhabitants of the S^d County may have a free vote for a Publick fferry to Bee kept in the Said County being read

The house agreed to the Said Report

Resolved That no publick fferry be kept in *Norfolk* County but what Shall be att the Countyes Charge—

Then the report of the Committee of propositions and grievances made upon his Excellys Speech relateing to the revivall of the Lawes an Adresse of the Committee for revivall of the Lawes to his Excelly the Govern^r his Excellys ord^r in Counsell upon the Said

Said Address and the representation of the Said Committee for Revivall of the Lawes to this p^rsent Gen^l Affembly—being read

Ordered That the Consideraⁿ of the Said Report bee referred to the Committee of the whole house on *monday* next

And then the house adjourned till *monday* morning nine a Clock—

Monday Sept: the first 1701

THE house according to ord^r on *fryday* last was called over and the names of those that did not appear noted downe—

And their names being called over a Second time Some were excused on acc^t of Sicknefs and other occasions

Ordered That M^r *Joshua Winn* be Sent for in Custody of the messinger to answer his Default in not Attending according to his Duty the Service of the house—

Ordered That M^r *James Bray* be Sent for in Custody of the messinger to answer his Default in not Attending (according to his duty) the Service of the house—

Ordered That M^r *Henry Applewaite* be Sent for in Custody of the messinger to answer his Default in not attending (according to his Duty) the Service of the house—

Ordered That M^r *Thomas Giles* be Sent for in Custody of the messinger to answer his Default in not attending according to his duty the Service of the house—

Ordered That M^r *Thomas Millner* bee Sent for in Custody of the messinger to answer his Default in not Attending according to his Duty the Service of the house—

Ordered That M^r *William Armistead* be Sent for in Custody of the Messinger to answer his Default in not attending according to his Duty the Service of the house—

Ordered That M^r *William Cary* be Sent for in Custody of the Messinger to answer his Default in not attending according to his Duty the Service of the house—

Ordered That M^r *William Gough* be Sent for in Custody of the messinger to answer his Default in not attending according to his Duty the Service of the house—

Ordered That M^r *Gawin Corbin* be Sent for in Custody of the messinger to answer his Default in not attending according to his Duty the Service of the house

Ordered That M^r *William Tayloe* be Sent for in Custody of the of the messinger to answer his Default in not attending (according to his duty) the Service of the house—

M^r *Miles Cary* from the Committee of Publick Claimes to whom it was referred to p^rpare and bring in an ordinance of Affembly for Settling the bounds of *Isle* [of] *Wight* *Surry* and *Charles City* Counties on the South side the *Blackwater* Swamp reported that the Said Committee had prepared the Said Ordinance which he read in his place and afterwards delivered in att the Table where the Same was againe read

Resolved That the house Doth agree to the Said Ordinance

Ordered That the Said Ordinance be fairly Transcribed and Sent to the Councili for their Concurrence—

The house being informed that the messinger attended att the dore wth M^r *Wynn* M^r *Milner* and M^r *Bray* in his Custody they were Severally called into the house and heard what they had to Say in Excuse of their Absence from the Service of the house and then withdrew—

Ordered That M^r *Wynn* be discharged out of Custody paying fees

Ordered That M^r *Millner* be discharged out of Custody paying fees

Ordered That M^r *Bray* be Discharged out of Custody paying fees

Then according to the order of the Day the house resolved itt Selfe into a Committee of the whole house to Consider his Excellys Propositions and the papers relateing thereunto Sent into the house on *tuesday* last and therein having Spent some time M^r *Speaker* resumed the Chaire and M^r *Cary* reported that in regard Severall members were absent the Said Committee was unwilling to proceed to any resoluⁿs and had directed him to move for leave to Sit again another day

Resolved

Resolved That this house will att twelve a Clock to morrow resolve itt Selfe into a Committee of the whole house to Consider his Excellys Propositions and the papers relateing thereunto Sent into the house on *tuesday* last—

Ordered That the Severall matters referred to be considered by the Committee of the whole house this day be taken into Consideration when the Committee of the whole house Sitts to morrow—

An Ingrossed bill Intituled *an Act concerning the militia* was read the third time

And after Some Amendments and a Clause added att the Table wth were three times read—

Resolved That the Said Bill do Pass wth the Amendm^{ts} and Clause

Ordered That M^r Macon M^r Fox M^r Sullevant M^r Thacker M^r Fitzhugh and M^r Mofely carrye the Said Bill to the Councill and also the Ordinance of Assembly for Setting the bounds of *Isle [of] Wight Surry* and *Charles City* Counties on the South side the *Blackwater* Swamp and Desire their Honors Concurrence thereunto—

Then the house being informed that the messing^r attended att the dore wth M^r Armistead in his Custody

M^r Armistead was called into the house and being heard what he had to Say in Excuse of his absence from the Service of the house he withdrew—

Ordered That M^r Armistead be discharged out of Custody paying fees—

And then the house adjourned till to morrow morning nine a Clock—

Tuesday Sept^r the 2^d 1701

M^r Macon from the persons appointed to carry to the Councill the Bill concerning the militia and the Ordinance of Assembly for Setting the Bounds of *Isle [of] Wight Surry* and *Charles City* Counties on the South side the *Blackwater* Swamp reported that they had been wth the Counfill and according to order had delivered to them the Said Bill and Ordinance and Desired their Concurrence thereunto—

M^r Cary from the Committee of Publick Claimes reported that the Said Committee had taken into Consideration the Severall matters of Claime to them referred and had agreed upon divers resolucons therein which as usuall they had Entred into one book called a book of reports of the Committee for Publick Claimes and had directed him to report the Said book to the house and thereupon having p^resented the Said Book att the table—

Ordered That the Same doe lye upon the table to be p^rused by the members of the house—

The house being informed that the messinger attended att the dore wth M^r Corbin M^r Tayloe M^r Applewait M^r Giles and M^r W^m Cary in his Custody they were Severally called into the house and heard what they had to Say in Excuse of their absence from the Service of the house and then wthdrew—

Ordered That M^r Corbin be discharged out of Custody paying fees—

Ordered That M^r Tayloe be discharged out of Custody paying fees—

Ordered That M^r Applewait be discharged out of Custody paying fees—

Ordered That M^r Giles be discharged out of Custody paying fees—

Ordered That M^r W^m Cary be discharged out of Custody and that he pay no fees—

Then according to the ord^r yesterday the house resolved itt Selfe into a Committee of the whole house to Consider his Excellys Propositions and the Papers relating thereunto Sent into the house on *tuesday* last and after some time Spent therein M^r Speaker Refused the Chaire and M^r Cary reported that the Said Committee had taken into Consideration all the Said Propositions and Papers and allsoe all other matters referred to the Said Committee and therein had agreed upon Severall resolutions which he read in his place and afterwards delivered in att the Table—

Ordered

Ordered That the Said Report doe lye upon the table till the house shall think fitt to take the same into Consideration—

Then the house being informed that the messenger attended at the dore wth M^r *Gough* in his Custody M^r *Gough* was called into the house and being heard what he had to Say in Excuse of his absence from the Service of the house he withdrew—

Ordered That M^r *Gough* be discharged out of Custody paying fees—

And then the house adjourned till to morrow morning nine a Clock—

Wednesday Sept^r the 3^d 1701

A WRITTEN message from his Excellency and Council by M^r *Wright* being as followeth
Whereas his Excellency Sometime Since hath laid before the house of Burgesse his Maj^{ty} Royall Lett^r of the nineteenth of *January* last Signifying his Maj^{ty} Royall will and pleasure for giving assistance to his Maj^{ty} Province of *New York* as also a letter from the Right honorable Jⁿ^r *Nanfan* Esq^r his Maj^{ty} Lieutenant Governour of the afores^d Province and part of another letter sent lately from him concerning that affaire—

Now forasmuch as M^r *Duncan Campbell* is forthwth bound to the aforesaid Province of *New York* His Excellency and the honorable Council desire to know of the house of Burgesse what answer shall be thereupon Given—because this Opportunity being Overflit it will be great charge to Send an Expres for that purpose—

The Same was Answered by the house in those words *Viz*—
May itt please yor Excellency and hono^r

In answer to yor message of this day wee humbly take leave to represent that his Maj^{ty} Letter of the nineteenth of *January* last wherein his Maj^{ty} is pleased to Signifye his Royall will and pleasure concerning assistance to *New York* hath been under our Serious Consideration that wee have agreed upon Some resolutions but not proceeded so farr as wee intend therein and that as Soone as wee have fully confid^d wth his Excellency has been pleased to lay before us this Session in his Sev^rall Speeches we designe to Signifye our Sev^rall resolutions upon the whole in the same manner as hath been formerly used to wit by an humble address to his Excellency And

Ordered to be carryed to his Excellency and the Council by M^r *Jfofter* M^r *Giles* M^r *Thacker* M^r *Bray* M^r *Millner* and M^r *Kenner* who being returned—

M^r *Jfofter* Acquainted the house that they had delivered the Said Answer—

A Petition of Jⁿ^r *Tullit* referred by his Excellency and y^e Council to the consideration of this house was read—

And the same praying some Effectuell Course may be taken for apprehending a Runaway Negro man of the petitioners named *Billy* who hath lain out three years and Committed Severall robberys and Offences—

Resolved That a Bill be p^rpared making itt lawfull to kill the Said Negro & felony to Entertaine harbour truck or trade wth him—

Ordered That itt be referred to M^r *Bray* M^r *Marable* & M^r *Fitzhugh* to p^rpare and bring in the said Bill—

Ordered That itt be an Instructiō to them to incert in the Said Bill a reward of one thousand Pounds of Tobacco to any person that Shall kill the Said Negro or take him alive—

A Petitiō of *Thomas Parker* & *Thomas Mackgehey* concern[ing] Land in *Pamunkey* Neck Leased by the *Pamunkey* Indians—Being read—

Ordered That the Said Petitiō be considered when the proceeding of the Conference wth the Counsell about the properest Methods to Settle all matters relateing to Indian affaires and concluding all busineff^s relating to the *Pamunkey* neck and *Blackwater* Land are taken into Consideration

A moōn being made that the house be called over was agreed to and the house being thereupon called over the absence of those that did not appeare was Excused—

Then

Then the report made by the Committee of the whole house yesterday being read—
The house proceeded to the Consideration thereof and resolved as followeth—

Resolved That itt is the opinion of this house that the Subject matter of his Excellys first proposition is Sufficiently provided for by the lawes already made—

Resolved That itt is the Opinion of this house that the Subject matter of his Excellys Second proposition is already complied wth by the Act concerning the Militia which passed the house this Session—

Resolved Itt is the opinion of this house that the p^{re}ceding of this Session already agreed upon will Duly answer the Subject matters of his Excellys third proposition

Resolved That itt is the Opinion of this house that the matter contained in his Excellys fourth proposition is wholly in his Excellys Province

Resolved That itt is the Opinion of this House upon his Excellys fifth Proposition

That this Country is not able to pay the Charge of Engineers and fire masters or the materialls Suitable ffor fire workes and fire Shippes—

Ordered That the Subject matter contained in the 6th 7th 8th 9th 10th 11th propositions of his Excelly be referred to the Consideration of the Committee appointed to revise the Lawes—

Resolved That for Asmuch as the Subject matter of his Excellys twelfth Proposition doth lye before the Committee for Revifall of the lawes itt be no further proceeded in att this time—

Resolved That [it] is the Opinion of this house upon his Excellys thirteenth Proposition that the Penal Lawes now in force are Sufficient in themselves to compell a Due Observation thereof—

Resolved That itt is the Opinion of this house upon his Excellys 14th 15th and 16th Propositions—

That itt is not Convenient to make any alteration in the bounds of Countyes and Parishes already setled but when representation is made from Counties or Parishes that they are aggrieved—

Resolved That is the Opinion of this house upon his Excellys Seaventeenth Proposition

That itt is necessary the Sherriff which Shall attend the Gen^l Court have power to summons Jurors or Evidences in any part of the City of *Williamsburgh*

Resolved That a bill be p^{re}pared to impower the Sherr. thatt attends the Gen^l Court to Summons Jurors or Evidences in any part of the City of *Williamsburgh*—

Ordered That itt be referred to the Committee of Propositions and Grievances to p^{re}pare and bring in the 1st Bill—

Ordered That the Consideration of his Excellys Eighteenth and nineteenth Propositions for renewing the imposition Acts and concerning some Accounts of Disbursements be referred to a farther time—

Upon Consideration of his Excellys twentieth Proposition

Ordered That the Directors and Trustees of the City of *Williamsburgh* do lay before this house a particular Account of every Proprietors Name concerned in the Land taken up for the Said City what Quantity of Land Each proprietor is to be paid for what Lotts are disposed of and what is received thereupon—

Ordered That Mr *Ballard* acquaint Collonell *Jennings* Mr *Harrison* Mr *Thacker* and Mr *Ingles* of the aforefaid ord^r

Resolved That itt is the Opinion of this house upon his Excellys one and twentieth Proposition

That this Country is not in a Capacity att this time to undergoe the Charge of building a house for the Govern^r

Ordered That the Peticon of *Charles Evans* in behalfe of his master *John Woodson* for further allowance for writeing the Pyrate Tryalls be rejected—

Resolved That it is the Opinion of this house that the method already appointed by law for the revifall of the Lawes is the best and most Suitable method and that the Same ought to be continued untill the revifall be finished

Resolved

Resolved That the house doth approve M^r Robert Beverleys undertaking the part w^{ch} was Assigned M^r Fowler in revifall of the Lawes notwithstanding he be a member of the Committee—

Resolved and Accordingly ordered

That M^r Benj^r Harrison at finishing the Revifall of the Lawes be paid as an Assistant Ninety Pounds Sterling for what he has done Since the Last Sesssion and for carrying on and finishing his part of the Revifall and what shall relate thereto and that besides he be allowed for Attendance att Committees as formerly—

Resolved and accordingly Ordered

That Major Peter Beverley att finishing the revifall of the Lawes be paid ninety Pounds Sterling for what he has done relateing to his third part of the revifall Since the last Sesssion and for carrying on and finishing the Same and what Shall relate thereto and that besides he be allowed for his attendance at Committees as formerly and for his other Service as Clerk of the Committee—

Resolved and accordingly ordered

That M^r Robert Beverley at finishing the revifall of the Lawes be paid ninety Pounds Sterling for what he has already done as Assistant in the Revifall and for his carrying on and finishing his third part thereof and what Shall relate thereto and that besides he be allowed for his Attendance at Committees as formerly—

Resolved and Accordingly ordered

That att finishing the Revifall of the Lawes Maj^r Peter Beverley be paid fifty pounds Sterling for what he has done Since the Last Sesssion as Clerk to the Committee and for carrying on and finishing the Same besides what he is before allowed for his attendance att Comittees and for his other Services—

Resolved That itt is the Opinion of this house that it is convenient the Members of the Committee for revifall of the Lawes and the Officers be now paid what is Due for their respective attendance according to the allowance given the last Sesssion—

Ordered That itt be referred to the Committee of Publick claimes to inspect the Journall of the Committee for revifall of the Lawes and report to the house the Severall dayes attendance of Each member belonging to the Said Committee and of the Assistant and Clerk to the end payment may be made for the Same as formerly—

Resolved That the house doth disagree to this report of the Committee of the whole house Viz^t—

That the Committee for Revifall of the Lawes have leave to meet in *March* next—

Ordered That a Committee bee appointed to morrow morning to prepare an humble Address to his Maj^{ty} representing the case between this Governm^t and *New York* And Suitable Instructions for our Agent thereupon—

And then the house adjourned till to morrow morning nine a Clock

Thursday Sept^r the 4th 1701

MR Ballard acquainting the house that M^r ffox was taken very ill and desired leave to go to his owne house for recovery of his health

Leave was given accordingly

M^r Speaker acquainting the house that M^r Thorowgood was taken wth the Gripes and that fearing that distemper would increase upon him he desired leave to goe to his own house whilst he was able—

Leave was given accordingly—

M^r Corbin.....M^r Spence

M^r Tayloe.....M^r Hobson

M^r Westcomb.....M^r Gough

According to the order yesterday were appointed a Committee for drawing an humble address to his Maj^{ty} the Case between this Governm^t and *New York* and for p^rparing suitable instructions for our Agent thereupon—

Then

Then the house took into Consideration the Book of reports of the Committee for Publick Claimes laid upon the Table on *Tuesday* last and having read the Same thorow the Severall Articles therein contained were agreed to by the house wth Such Additions and Alterations as are noted downe in the body and Margent of the Said book of reports

A Petition of *John Chyles* for an advancement of his Sallary as Mace bearer—being read—

Ordered That the Said Petition be rejected

A Petition of *Anne Blathwaite* for an allowance for Sweeping the roome where the Burgeesses Sit and other Service—being read—

Resolved and accordingly *ordered*

That She be allowed for the Same five hundred pounds of Tobacco and Caske and that the Said Summe be added to the book of reports of the Committee for Publick Claimes—

A Petition of *William Randolph* for an allowance of one and forty Shillings Disbursed for a trunke and Chest to remove the Assembly Records in and for Sixteen pounds of Candles—being read

Ordered That he be allowed the Said Summe and that itt be added to the book of reports for Publick Claimes—

The Petition of *Edward Huckstep Philip Williams George Shillin Thomas Mackgehey* and *James Johnson* in behalfe of themselves and other poor Inhabitants that live within the bounds of the Land laid out for the *Pamunkey* Indians referred by his Excellency and Councill to the Consideration of this house And

A Petition of *Edward Bell Sonne of Thomas Bell* concerning Land which he lives upon within the Bounds of the Land laid out for the *Pamunkey* Indians referred by his Excellency and Councill to the Consideration of this house being severally read.

Ordered That both the said Petitions be considered when the proceedings of the Conference wth the Councill about the properest methods to Settle all matters relateing to Indian Affaires and Concluding all business relateing to *Pamunkey* Neck and *Blackwater* Land are taken into Consideration

Then the report of the Committee of Councill and Burgeesses appointed to Inspect and Consider the whole proceedings of the Comm^{rs} appointed to Examine the Claimes and Titles to Lands in *Pamunkey* neck and on the South side of *Blackwater* Swamp which was laid upon the Table on *ffryday* the 22th of *August* last—

And the report of the Conference wth the Councill appointed to Consider the best and properest methods to Settle all matters relateing to the Indian affaires and concluding all business relating to *Pamunkey* neck and *Blackwater* Land and their Courts w^{ch} was laid upon the Table on *Fryday* the twenty ninth of *August* last

And the report of the Committee to whom itt was referred to consider the Petition of *Edmund Jennings Esqr* in behalfe of himself and others claiming the Land between the two *Herring* Creeks on *Mattapany* in *Pamunkey* neck and another Petition of the Said *Edmund Jennings Esqr* concerning Lands granted him by Patent and also the Petition of *John Buckner* concerning lands in *Pamunkey* neck which was laid upon the table on *monday* the twenty fifth of *August* Last—being Severally read

The House proceeded to the Consideration of the same and with them also (according to order) took into Consideration the Petition of *Thomas Parker* and *Thomas Mackgehey* concerning Land leased by the *Pamunkey* Indians and the Petition of *Edward Huckstep Philip Williams George Shillin Tho: Mackgehey* and *James Johnson* in behalfe of themselves and other poor inhabitants that live within the Bounds of the Land laid out for the *Pamunkey* Indians and the Petition of *Edward Bell Sonne of Thomas Bell* concerning Land which he lives upon wthin the bounds of the Land laid out for the *Pamunkey* Indians—

And therein having Spent Some time agreed upon the Severall Resolutions following—

Whereas

Whereas the Comm^{rs} appointed to Examine Claimes to Land in *Pamunkey* neck have returned Surveyes and Certificates to the Secretarys Office concerning the Lands hereafter men^ooned—

Resolved That itt is the Opinion of this house that Pattents be iffued for the fame as followeth

- To *Tho: Elliot* for one hundred and fifty Seaven acres of Land—
- To *John Oliver* for one hundred and forty Six Acres of Land—
- To *Jⁿ Rappier* for one hundred and Eighty five acres of Land—
- To *James Adams* for four hundred and thirty Seaven acres of Land—
- To *Tho Carr* for five hundred and forty Six Acres of Land—
- To *Tho: Comer* for One hundred and thirty nine Acres of Land—
- To M^r *Richard Littlepage* for two thoufand three hund^d and Sixty Seven Acres of Land—
- To *John Heyden* for One hundred ninty Six Acres of Land—
- To *Abra. Willory* for four hundred and forty five acres of Land—
- To M^r *John King* for two hund^d and Eleaven Acres of Land—
- To *Robert Davis* for two hund^d and Eight Acres of Land
- To *James Hayfield* for one hund^d and nine Acres of Land—
- To *Robert Blackwell* for one hundred Seventy four Acres of Land—
- To *James Henderson* for one hundred and fifty five Acres of Land—
- To *Tho: Nichols* for one hundred and Eighty three Acres of Land—
- To *Jane Gough* for Eighty acres of Land
- To W^m *Maybank* for one hundred and five Acres of Land—
- To *John Burrows* for four hundred and thirty nine Acres of Land—
- To *John Thomson* for five hundred and thirty Seaven Acres of Land—
- To *Tho: Cranshaw* for One hundred and fifty Acres of Land—
- To *James Edwards* for Eight hundred fifty four Acres of Land
- To *Charles fleming* for Eleaven hundred and Eighty four Acres of Land—
- To *James Dabony* for one Thoufand Acres of Land
- To *Christopher Pierfon* for one hundred and Six Acres of Land—
- To *Lewis Davis* for three hundred and twenty Acres of Land—
- To *Mary Herbert* for two hundred Acres of Land
- To *Andrew M^{ca}lister* for Eighty Six Acres of Land—
- To *Peter White* for three hundred and fifty five Acres of Land
- To *Hannce Hendrick* for five hundred ninty four Acres of Land—
- To *James Terry* for four hundred and Eighteene Acres of Land—
- To M^r *Henry ffox* for five hundred and Eighty Acres of Land—
- To M^r *Henry ffox* for five hundred and Eighty four A[c]res of Lands—
- To M^r *Henry Fox* for Eight hundred and twenty one Acres of Land—
- To W^m *Willston* for One Thoufand Ninty one Acres of Land
- To *George Dabony* for two hundred and ninty three Acres of Land—
- To *William Anderfon* and *Dorothy* his Wife for one hundred and Seventy nine Acres of Land—

- To *James Dabony* for two hundred and four Acres of Land—
- To *Matthew Mullen* for two hundred and Sixty Eight Acres of Land—
- To M^r *Nicholas Merryweather* for four hundred and fifty nine Acres of Land—
- To *Stephen Terry* for three hundred and thirty five Acres of Land—

To *Sarah Dabony* for One hundred and Seventy nine acres and a halie of Land—

Whereas Surveyes and Certificates were returned to the Committee of Councill and Burgeffs appointed to inspect and consider the whole proceedings of the Comm^{rs} appointed to Examine the Claimes and titles to Land in *Pamunkey* Neck and on the South side *Blackwater* Swamp concerning the Land hereafter men^ooned—

Resolved—That itt is the Opinion of this house that Patents be iffued for the Same as followeth—

To *Robert Davis* and *Mary* his Wife for One hundred and thirty Seaven Acres of Land—

To *William Hurt* for two hundred and ninty Eight Acres of Land

To *Abra: Willory* and *Dorothy* his Wife for one hundred and thirty Seaven Acres of Land—

To *Martin Slaughter* and *Lillias* his Wife for one hundred and thirty Seaven Acres of Land—

To *John Hurt* for five hundred and forty Six Acres of Land

To *John Lipscomb* for two hundred Acres of Land

To *Will Lipscomb* for three hundred Acres of Land—

To *Benj^a Arnold* for two thousand one hundred Acres of Land—

Whereas a Caveat is entred in the Secretarys Office by *Tho: Spencer* That no pattent may issue to *M^r Gideon Maçon* upon two Certificates for land returned by the Comm^{rs} appointed to Examine Claimes to Land in *Pamunkey Neck* to wit One for four hundred and twenty acres and Another for One hundred seventy Two Acres untill the Said *Spencer* be heard concerning the Same—

Resolved that it is the Opinion of this house

That the Said *Thomas Spencer* be heard the Sixth day of the next Gen^l Court what cause he hath to shew why Pattents Should not issue to the Said *Maçon* for the Said Lands and that notice be given from the Secretarys Office to both partyes then to give their attendance—

Resolved That itt is the Opinion of this house That no Pattents be issued to any person claiming Lands within the bounds assigned the *Pamunkey* Indians and that for this reason no Pattents be issued—

Unto *Thomas Ware* for Eleaven hundred and forty Seven Acres of Land—

Thomas Parker for Six hundred Acres of Land—

Anthony fuller and *James Johnson* for three hundred and ffifty Acres of Land—

Robert Napier for One hund^d Acres of Land—

Robert Napier for two hundred Acres of Land—

Philip Williams for one hundred Acres of Land—

Thomas M^cgee for one hundred Acres of Land—

Thomas M^cgee for Six hundred Acres of Land

Edward Huckstep for five hundred Acres of Land.

Edward Bell for fourteen hundred Acres of Land—

Alexander Anderfon for one hund^d Acres of Land—

Joseph Norment in behalfe of *Joseph Sutherland*—

Philip Southerland and *Geo: Southerland* Orphans of *Geo: Southerland* deced for three hund^d Acres of Land—

Michael Wardrop for ninty Acres of Land.

William Andrew for Six hundred Acres of Land—

Itt appearing that all the Said Lands are contained wthin the bounds of the *Pamunkey* Indians Land—

Resolved Thatt itt is the Opinion of the House that a Pattent be issued to the *Pamunkey* Indians and their Posterity for their Lands according to a Survey made thereof by *M^r James Ming*—

Whereas the Comm^{rs} Appointed to Examine Claimes to Land on the South Side *Blackwater Swamp* have returned Surveyes and Certificates to the Secretarys Office concerning the Lands hereafter mentioned—

Resolved That itt is the Opinion of this house That Patents be issued for the Same as followeth—

To Capt^a *ffrancis Epes* *M^r W^m Epes* and Cap^t *Littlebury Epes* for one thousand Acres of Land—

To *Richard Smith* for five hundred and fifty Acres of Land—

To *Will^m Parham* for four hundred and fifty Acres of Land—

To *Edmund Irby* for three hundred and ninety nine Acres of Land—

To *Robert Carlisle* for one hundred Acres of Land

To *Robert Sinelly Tho: Giles Jos. Bridger Lewis Sinelly* and *W^m Sinelly* for two thousand and Ninety Eight Acres of Land—by two Severall Surveys—

To *Tho: Reeves* for Seven hundred and forty Acres of Land—

To *George Pierce* for two hundred Acres of Land

To Captⁿ *W^m Hunt* for four thousand three hundred and forty two Acres of Land—

Whereas M^r *Theodrick Bland* Surveyor of *Charles City* County returned to the Committee of Councill and Burgeffes appointed to inspect and Consider the whole proceedings of the Comm^{rs} Appointed to Examine the Claimes and Titles to Land in *Pamunkey Neck* and on the South side *Blackwater Swamp* Severall Surveys wth the orders of the Said Comm^{rs} for making the Said Surveys—

Resolved—That Itt is the Opinion of this house That Patents be issued as followeth—

To *William Jones Sen^r* for Six hundred Acres of Land

To *Jⁿ Freeman* for three hundred Acres of Land—

To M^r *Jⁿ Boythres* for three hundred and fifty Acres of Land.—

To *Thomas Thrower* and *George Pasmore* for Six hund^d and Eighty Acres of Land—

To M^r *Tho: Wynne* for two hund^d Acres of Land

To *Richard Gourd* for one hund^d Acres of Land—

Whereas M^r *Theodrick Bland* returned to the Committee of Councill and Burgeff^s appointed to inspect and consider the whole proceedings of the Comm^{rs} appointed to Examine the Claimes and Titles to Land in *Pamunkey neck* and on the South Side the *Blackwater Swamp* Severall Surveys w^{thout} returning the Orders of the Comm^{rs} whereon the Said Surveys were made—

Resolved That itt is the Opinion of this house— That upon returning the Said Ord^{rs} to the Secretarys Office Patents be issued as followeth—

To *John Butter* for nine hundred and thirty Acres of Land

To *Rob^t Hawthorne* for fourteen hundred Acres of Land—

To *John Butler* for four hundred and fifty Acres of Land

To *Mary Williams* for Six hundred and fifty acres of Land—

Resolved That itt is the Opinion of this house That *Rich^d Wyatte* Ordinary Keeper be paid four thousand three hundred and ffteene pounds of Tobacco for Entertainment of the Comm^{rs} appointed to Examine the Claimes and Titles to Land in *Pamunkey Neck*—

That *W^m Burford* fferryman be paid for fferrying the Said Comm^{rs} to and from Court Three hundred fifty four pounds of Tobacco—

That M^r *Jⁿ Waller* Sheriff be paid Two thousand Eighty Pounds of Tobacco for twice Summoning the Said Comm^{rs} and journeying into *New Kent* and *Effex* County. and for Seaventeen dayes Attendance for himielf and two Officers upon the Said Comm^{rs}

That M^r *John Walker* be paid three hundred pounds of Tobacco for his owne and two Officers attendance on the Said Comm^{rs} three dayes

That *Robert Hackley* be paid one hundred pounds of Tobacco for Sweeping the Court house where the Said Comm^{rs} Sate—

That there be paid for the Claime made in behalfe of the Secretary for Secretarys ffees four hundred Pounds of Tobacco accruing by means of the Appointment of the Said Comm^{rs}—

Resolved That itt is the Opinion of this house That all the aforefaid Sumes Amounting in the whole to Seven thousand five hundred forty nine pounds Tobacco be paid by the respective patentees concerned in the Land Setled by the Said Comm^{rs} in proportion to the quantity of Land Every Patentee holds and that itt be referred to *King* and *Queen* County Court to proportion and Direct what each Patentee Shall pay—

Resolved and Accordingly Ordered—

That M^r *James Ming* be paid Three Thoufand two hundred ninety two pounds of Tobacco for laying out the *Pamunkey* Indians Land and that the Said Sume be added to the book of reports of the Committee for publick Claimes—

Ordered

Ordered That the Claime of the Chaine Carryers and Ax men employed in laying out the *Pamunkey* Indians Lands be referred to the Committee for publick claimes to Examine And that their Allowance thereupon be added to the book of Claimes—

Resolved That it is the opinion of this house That y^e *Chickahominy* Indians ought to have & Enjoy the Same priviledges & imunities y^e *Pamunkey* Indians doe

Resolved That it is the opinion of this house That According to the Articles of Peace made the twenty ninth Day of *May* one thousand Six hundred Seaventy Seaven the *Chickahominy* Indians have their Land laid out in *Pamunkey* Neck between the two *Herring* Creeks—

Resolved That itt is the Opinion that all other Indians in Amity with and Tributary to this Government have Land laid out for them according to the Articles of Peace made the nine and twentieth of *May* One Thousand Six hundred Seaventy Seaven in the same place they live in when they make Suite for the Same Provided itt be not Patent Land—

Resolved That itt is the Opinion of this house that the Claime made in behalfe of the Secretary for Three hundred and twenty Pounds of Tobacco accruing due for Secretaryes fees by meanes of the appointment of Comm^{rs} to Examine the Claimes and Titles to Land on the South Side *Blackwater* Swamp be paid by the respective Patentees concerned in the Land Settled by the Said Comm^{rs} in proportion to the Quantity of Land every Patentee holds—

Resolved That itt is the Opinion of this house That in all Cafes where the Comm^{rs} appointed to Examine the Claimes and Titles to Land in *Pamunkey* Neck and on the South Side the *Blackwater* Swamp in their Severall Courts have ordered Surveys and those Surveys are not done, the Surveyers doe not wthstanding pursue the Said Orders and returne them wth the Surveys thereupon made to the Secretarys Office for Patents to be issued according to the Same—

Resolved That itt is the Opinion of this house that the Surveyor of *Surry* County pursuant to an Ord^r of the Comm^{rs} appointed to Examine Claimes to Land on the South Side *Blackwater* Swamp do Survey and lay out for *Thomas Harrison* and *John Scott* Seventeen hundred Acres of Land according to an Entry made the one and twentieth of *April* 1693 and returne the Said Survey to the Secretarys Office for a patent to Issue thereupon provided regard be had to all Surveys made before the granting the afores^d Order—

Resolved That itt is the Opinion of this house That the Courts appointed to Examine the Claimes and titles to Land in *Pamunkey* Neck and on the South Side *Blackwater* Swamp be from henceforth discontinued

Resolved That itt is the Opinion of this house That itt will Conduce much to the Advancement of his Maj^{ty}s Interest and the Good of this Colony that the Lands in *Pamunkey* neck and on the South Side *Blackwater* Swamp be laid open So as his Maj^{ty}s Subjects may have Liberty to take up and Patent the Same and therefore that an humble Address be made to his Excell^y to give such Liberty when he shall think most Convenient—

Ordered That itt be referred to the Committee of Publick Claimes to p^rpare and bring in an Address accordingly

Ordered That M^r *Rob^t Beverley* have leave to Exhibite to the next Session of Affembly his Claime for Severall Services done at the Cou^{rt} for Examining Claimes and Titles to *Pamunkey* Neck Land for and in behalfe of the *Pamunkey* and *Chickahominy* Indians and that the Said Claime be then considered—

Resolved That a bill be p^rpared for Quieting the Possessions of the Severall persons Seated within the bounds of the land Laid out for the *Pamunkey* Indians—

Ordered That itt be referred to the Committee of Publick Claimes to p^rpare and bring in a Bill accordingly—

Resolved That it is the Opinion of this house That the *Chickahominy* Indians ought after their land is laid out actually to live upon the same—

Resolved

Resolved That itt is the Opinion of this house That *Edmund Jennings Esq^r* and the other persons w^{ch} Petiçon wth him by vertue of an ord^r of Council dated *October 1686* have a preferable right to all the Land mençoned in the Said Order of Council w^{ch} Shall not be included within the bounds of the Land to be laid out for the *Chickahominy* Indians—

Resolved That itt is the Opinion of this house That *Edmund Jennings Esq^r* by vertue of a patent Dated the 6th of *June 1699* for five hundred and Seventy Acres of Land Adjoyning on the Lower *Herring Creek* in *Pamunkey* neck and by vertue of a patent of the Same Date for two hund^d Acres of Land adjacent thereunto hath a good right to both the said Tracts of Land and that therefore no Patents be issued upon the Surveys made by *Benjⁿ Arnold* and *John Hurt* for any Lands contained wthin the bounds of the afore^d Pattents—

Whereas M^r *Jⁿ Buckner* Doth petiçon that a Patent be Ifued to him for Six thousand one hund^d & Sixty Acres of Land lying in *Pamunkey* neck contained wthin the bounds of a Deed made by the *Chickahominy* Indians to *Roger Mallory* deceased Dated the 20th of *Sept^r 1695* he having purchased the right w^{ch} *Roger Mallory Tho: Mallory* and *Cha: Mallory* Sons of the Said *Roger Mallory* Decēd have in the Same and whereas M^r *Chicheley Corbin Thacker* layes claime to part of the Said Land—

Resolved That itt is the Opinion of this house that the Said Six thousand one hund^d and Sixty Acres of Land be Devided into two Equall parts by a Line to be run acrofs the Said Land from the Line of the Lands belonging to Major *Lewis Burwell* and M^r *Richard Whitehead* that M^r *Buckner* have his Choice of one of the Said parts and that M^r *Thacker* have the other

Ordered That the Petiçon of *Tho: Parker* and *Tho: Mackehey* concerning Lands in *Pamunkey* neck Leased by the *Pamunkey* Indians be rejected—

Ordered That the Petiçon of *Edward Huckstep Phillip Williams Geo: Shillin Thos Mackehey* and *James Johnson* in behalfe of themselves and other poor Inhabitants that live wthin the bounds of the Land Laid out for the *Pamunkey* Indians be rejected—

Ordered That the Petiçon of *Edward Bell* Soñe of *Tho: Bell* concerning Land which he lives upon wthin the bounds of the Land laid out for the *Pamunkey* Indians be rejected

A Petiçon of *Jⁿ Rand* referred by his Excelly and Council to the Consideraçon of this house praying an allowance for keeping the Council Chamber doore being read

Ordered That he be allowed for the Said Service two Thousand Pounds of Tob^o & Casq^e and that the Said Sum^e be added to the book of reports for Publick Claimes

And then the house adjourned till to morrow morning nine a Clock—

Fryday Sept^r the 5th 1701

A MESSAGE from his Excelly and Council by M^r *Wright*—
M^r *Speaker*

I am Comanded by his Excelly & Council to Lay before this house a Letter to his Excelly from Major *Peter ffield* Dated the third Ins^t concerning two Strange Indians taken Somewhere upon *Swift Creek* and brought hither Prisoners—

And alsoe to acquaint this house that his Excelly and the Council Doe desire this house to Send Some of their members forthwth to hear the Said Indians Examined before his Excelly and the Council—

And thereupon Major *Peter ffields* Letter being read—

Ordered That M^r *Cary* M^r *Bland* M^r *Tayloe* M^r *Winne* M^r *Robinson* M^r *Beverley* M^r *Gough* and M^r *Edmundson* forthwth attend his Excelly and the Council to heare the Examinaçon of the Said Indians

And then the house Adjourned till one A Clock in the afternoone

Post

Post Meridiem

Mr *Beverley* from the Committee of Propositions and Grievances to whom itt was referred to p^rpare and bring in the following Bills *Viz*^t

A Bill for Strengthening the frontiers by Sea and Land and for discovering the approaches of an Enemye

A Bill for deviding *King* and *Queen* County into two Counties and for making *S^t Johns* Parish a distinct County of itt Selfe—

And a Bill to impower the Sheriff that attends the Gen^l Court to Summon Jurors or Evidences in any part of the City of *Williamsburgh*—

Reported that the Said Committee had p^rpared the Said Bills and Mr *Leigh* their Chairman being Sick had directed him to report the Said Bills to the house and then he p^resented the Said Bills att the Table

A message from his Exc^{lly} and Council by Mr *Wright*
Mr *Speaker*

I am Commanded by his Exc^{lly} and the Council to acquaint this house that the two Strange Indians Sent hither Prisoners by Maj^r *Peter ffild* having been Examined before his Exc^{lly} and Council in the P^resence of Eight of the members of this house—

His Exc^{lly} and the Council conceiving the whole Country to be therein concerned Do desire the advice of this house what is best to be done wth the Said Indians—

Mr *Tayloe* from the Committee appointed to Inquire into the proceedings of the Committee appointed to inspect and Oversee the building the Capitol reported the whole matter as itt appeared to them which he read in his place and afterwards delivered in att the Table—

And thereupon the propofalls of *Robert Snead* presented to the house on *thursday* the One and twentieth of *Aug^t* last concerning his undertaking to build the Capitol being read and Considered

The Question was put

That the propofalls of *Robert Snead* concerning his undertaking to build the Capitol be rejected—

Resolved in the Affirmative

Mr *Bray* from the persons to whom it was referred to p^rpare and bring in a Bill making itt Lawfull to kill a Negro man of *Jⁿ^r Tullits &^{ca}* reported that they had p^rpared the Said Bill which he p^resented att the Table—

A Bill for Dividing *King* and *Queen* County was read the first time and

Ordered a Second reading—

A Bill giving power to the Sheriff attending the Gen^l Court to Summon Jurors and Evidences wthin the City of *Williamsburgh* was read the first time and

Ordered A Second reading

A Bill for the more Effectuall apprehending an Outlying Negro who hath committed divers Robberyes and Offences was Read the first time and

Ordered A Second reading

A Bill for the better Strengthening the frontiers and discovering the approaches of an Enemy was read the first time and *Ordered* a Second reading

A Petition of *Dionysius Wright* referred by his Exc^{lly} and Council to the Consideration of this house praying an Allowance for his Attendance upon the Committee of Council and Burgeffs appointed to consider of the most proper wayes and meanes to Strengthen the frontiers by Sea and Land and for his Attendance upon the Conference concerning the Setling the Indian Affaires And alsoe—

A Petition of the Said *Dyonisus Wright* referred by his Exc^{lly} and Council to the Consideration of this house praying an allowance for his Service this Session as Clerk of the Gen^l Assembly—

being Severally read

Ordered That the Said Petitions be Considered in a Committee of the whole house when the Allowance for the Severall Officers attending this Assembly are taken into Consideration

Mr Cary from the Committee of Publick Claimes to whom it was referred to inspect the Journall of the Committee for revifall of the lawes and to report to the house the Severall dayes attendance of each member belonging to the Said Committee and of the Assifant and Clerk reported y^e Matter as it appeared to them w^{ch} he read in his place & afterwards delivered in at the Table where being againe read the house resolved as followeth

Resolved and Accordingly ordered That *Edmund Jennings Esq^r* for twenty Eight dayes Spent in attendance att the Committee for Revifall of the lawes and in going to and returning from thence be allowed Eighteen pounds four Shillings—

Resolved and Accordingly Ordered—

That *Matthew Page Esq^r* for twenty Dayes Spent in attendance att the Committee for Revifall of the lawes and in going to and returning from thence be allowed Eighteen pounds four shillings—

Resolved and accordingly Ordered—

That *Benjamin Harrifon Esq^r* for fourteen dayes Spent in attendance att the Committee for Revifall of the Lawes and in going to and returning from thence be allowed Nine pounds two Shillings—

Resolved and Accordingly Ordered—

That Mr *Miles Cary* for Thirty Dayes Spent in attendance att the Committee for Revifall of the Lawes and in going to and returning from thence be allowed Nineteen pounds tenn Shillings

Resolved and accordingly Ordered

That Mr *John Tayloe* for tenn Dayes Spent in attendance att the Committee for Revifall of the Lawes and in going to and returning from thence be allowed Six pounds tenn Shillings—

Resolved and accordingly ordered—

That Mr *Anthony Armistead* for thirty dayes Spent in attendance att the Committee for Revifall of the Lawes and in going to and returning from thence be allowed Nineteen Pounds tenn Shillings—

Resolved and Accordingly Ordered—

That Mr *Robert Beverley* for nineteene dayes Spent in Attendance att the Committee for Revifall of the Lawes and in going and to and returneing from thence be allowed twelve pounds Seven Shillings—

Resolved and Accordingly Ordered—

That Mr *Henry Duke* for twenty three dayes Spent in attendance att the Committee for Revifall of the lawes and in going to and returning from thence be allowed fourteen Pounds nineteen Shillings—

Resolved and accordingly Ordered—

That Mr *William Buckner* for thirty dayes Spent in Attendance att the Committee for revifall of the lawes and in going to and returning from thence be allowed Nineteen Pounds Tenn Shillings—

Resolved and Accordingly Ordered—

That Mr *Peter Beverley* Clerk of the Committee for Revifall of the Lawes for thirty Eight dayes spent in attendance att the Said Committee and in going to and returning from thence be allowed twenty four pounds fourteen Shillings—

Resolved and Accordingly Ordered

That Mr *Benjⁿ Harrifon Jun^r* for thirteene dayes Spent in attendance att the Committee for revifall of the Lawes as an Assifant be allowed Eight Pounds nine Shillings—

Resolved and Accordingly Ordered

That *Jn^o Bennington* be allowed for his attendance on the Committee for revifall of the Lawes as a Dore keeper the Sume of five pounds—

Resolved That this house will to morrow morning take into Consideration the message from his Excellency and the Council this afternoone concerning the two Strange Indians—

And then the house adjourned till to morrow morning nine a Clock—

Saturday

Saturday Sep^r the 6th 1701

RESOLVED That a Conference be desired wth the Council the better to Enable this house to give a Suitable answer to the Message of his Excellency and Council Yesterday concerning the two Strange Indians—

Ordered That M^r Cary M^r Tayloe M^r Bland and M^r Winne do forthwith wait upon the Council and Desire a Conference accordingly

And they being returned

M^r Cary acquainted the house that they had been wth the Council and Desired a Conference—

M^r Cary from the Committee of Publick Claimes to whom it was referred to p^rpare and bring in a Bill for Quieting the Possessions of Severall persons Seated wthin the bounds of the Land laid out for the *Pamunkey* Indians reported that they had p^rpared the Said Bill and then presented the Said Bill att the Table w^{ch} was read the first time and

Ordered A Second reading—

A Bill for Dividing *King* and *Queen* County being read y^e Second time—

A Debate did arise and the Question was put That a new Clause be added to the Said Bill and itt passed in the Negative

And then some Blanks being filled up and Amendm^{ts} made att the Table therein w^{ch} were twice read—

Ordered That the Said Bill be ingrossed wth the Amendments and read a third time—

A Bill giving power to the Sheriff attending the Gen^l Court to Summon Jurors and Evidences wthin the City of *Williamsburg* was Read the Second time—

And after a Debate concerning Amendments—

Ordered That the Said Bill be ingrossed wthout Amendm^{ts} and read a third time—

A Bill for the more Effectually Apprehending an Outlying Negro who hath committed Divers Robberys and Offences—being read the Second time—

Ordered That the Said Bill be committed to the Committee of propositions and Grievances for amendm^{ts}—

A Bill for the better Strengthening the frontiers and discovering the approaches of an Enemy being read y^e Second time

Ordered That the Said Bill be Committed to a Committee of the whole house for Amendm^{ts}—

Resolved That this house will on *monday* next at twelve a Clock resolve itt Selfe into a Committee of the whole house to consider of Amendm^{ts} to the Said Bill—

Ordered That the house be called over next *monday* at Eleven a Clock

A Message from the Council by M^r Wright

M^r Speaker

I am Comanded by the Council to acquaint this house that the Council have appointed three of their members to Confer wth a Convenient number of this house concerning a Suitable answer to the message about the two Strange Indians and that the Conference be held forthwth in the Council Office

Ordered That M^r Cary M^r Tayloe M^r Bland M^r Wynne M^r Cocke & M^r farrar do forthwth attend the Said Conference—

An Ordinance of Assembly for Settling the bounds of *Isle* [of] *Wight* *Surry* and *Charles City* Counties on the South Side *Blackwater* Swamp was returned from the Council agreed to—

A Message from the Council by M^r Wright—

M^r Speaker—

The Council do hold a free Conference to be held on *monday* next in the Council Chamber about one of y^e Clock in the afternoone by five members of the Council with a Convenient number of Burgeesses as the house shall think fitt to consider upon the Subject matter of the Bill intituled *an Act concerning the Militia* or Such other methods as Shall be thought proper for Settling the Militia for defence of the Country—

Resolved

Resolved That this house will not agree to a Conference wth the Council upon the Subject matter of the Bill Intituled *An Act concerning the Militia* untill the Said Bill be returned to the house—

Ordered That M^r *Beverley* M^r *ffoster* M^r *Kenner* and M^r *W^m Cary* do forthwth carry to the Council a Copy of the Said Resolutions

And they being returned M^r *Beverley* acquainted the house that they had delivered the Same to the Council

M^r *Cary* from the Conference wth the Council concerning the two Strange Indians having acquainted the house with the Severall passages at the Conference—

Resolved That itt is the Opinion of this house that the two Strange Indians Sent hither Prisoners by Major *Peter ffield* are Enemyes to this Government and that therefore they be Transported to *Barbadoes*—

Ordered That M^r *Cary* M^r *Tayloe* M^r *Bland* M^r *Wynne* M^r *Cock* and M^r *Farrar* carrye a Copy of the Said Resolve to the Council for the answer of this house to their meffage Yesterday concerning two Strange Indians—

And they being returned M^r *Cary* acquainted the house that they had Delivered the Same to the Council—

A Petition of *Peter Rowlett Geo: Worham Gabriell Arthur Henry Hill Lawrence Hobby William Rowlett* and *Tho: Parker* referred by his Excelly and Council to the Consideraçon of this house praying Allowance for Guarding and bringing downe the two Strange Indians—

Ordered That the Said Petiçon be considered in a Committee of the whole house when the Allowances for the Severall Officers attending this Asssembly are taken into Consideraçon—

Ordered That M^r *Samuell Thompson* have leave to go to his owne house—

And then the house adjourned till *monday* morning tenne a Clock—

Monday September the 8th 1701

VPON the motion of M^r *Tayloe* from the Committee app'ted for drawing an humble Addrefs to represent the case between this Government and *New Yorke* and for p'pareing Suitable Instruçons for our Agent thereupon—

Ordered That M^r *Leigh* be added to the Said Committee, that the Said Committee have power to Send for persons and Papers and Leave to imploy M^r *Benj^r Harrison Jun^r* as their Clark—

M^r *Leigh* from the Committee of Propositions and Grievances to whom the bill for the more Effectuall app'hending an Out lying Negro who hath committed Divers Robberyes and Offences was committed for Amendm^{ts} reported that they had made Severall amendments to the Bill w^{ch} they had directed him to report to the house w^{ch} he read in his place and afterwards delivered in att the Table—where the same were twice read and agreed unto by the house

Ordered That the Said bill wth the Amendments be ingrossed and read a third time—

Resolved That a Bill be p'pared for making Severall alterations in the Capitol according to the Sev^{ll} resoluçons of this house—

Ordered That itt be referred to the Committee of Propositions and Grievances to p'pare and bring in a bill Accordingly—

Ordered That it be an Instruccion to the Said Committee in p'paring the Said Bill to consider of a Suitable prison and to direct the modell and also to incert a Clause giving power to the Committee appointed to inspect and Oversee the building the Capitol to make use of what mony Shal be wanting for finishing the Capitol and for building the Said prison—

Then the house according to order was called over and the absence of those that did not appear—Excused

An Ingrossed Bill Intituled *an Act for deviding King and Queen County* being read the third time—

Resolved That the Said Bill do pass

An Ingrossed Bill Intituled *an Act giving power to the Sheriff attending the Gen^l Court to Sumons Jurors and Evidences wthin the City of Williamsburgh* being read the third time—

Resolved That the Said Bill do pass

A Bill for Quieting the possessions of Sev^l persons seated wthin the bounds of the Land laid out for the Pamunkey Indians was read the Second time—

And after some amendm^{ts} made therein att the Table w^{ch} were twice read and agreed to—

Ordered That the Said Bill be Ingrossed wth the Amendm^{ts}—

Then according to Ord^r the house resolved itt Selfe into a Committee of the whole house to consider of Amendments to the bill for the better Strengthening the frontiers and discovering the approaches of an enemy and after Some time Spent therein M^r *Speaker* resumed the chaire and M^r *Tayloe* reported from the said Committee that they had gone thorow the Bill and made Severall Amendm^{ts} thereunto w^{ch} they had directed him to report to the house which he read in his place & afterwards delivered in att the table were [where] the same were twice read and agreed unto by the house and other Amendments were made by the House to the Bill—

Ordered That the Said Bill wth the Amendm^{ts} be ingrossed and read the third time

Ordered That a Committee be appointed to inspect and Examine M^r *Treasurers* Accounts of the Imposition upon Liquors and of the Imposition upon Servants and Slaves—

And a Committee being accordingly app^ted *Viz*^t

M^r *Robert Beverley*.....M^r *Gideon Maçon*

M^r *Richard Bland*.....M^r *Tho: Barber*

Ordered That the Said Committee State the matter as itt appears to them and report the Same to the house

Ordered That the said Committee carrye the Bills w^{ch} this day passed the house to the Councill and desire their Concurrence thereunto

And then the house adjourned till to morrow morning nine a Clock

Tuesday Septemb^r the 9th 1701

AN Ingrossed bill intituled *an Act for Quieting the Possessions of Severall persons Seated wthin the bounds of the Land laid out for the Pamunkey Indians* being read the third time *Resolved*

Nemine Contradicente That the Said Bill do pass—

An Ingrossed Bill Intituled *an Act for the more Effectuall Apprehending an outlying Negro man who hath committed divers Robberys and offences*—being read the third time

Resolved That the Said Bill do pass

An Ingrossed Bill Intituled *an Act for the better strengthening the frontiers and discovering the approaches of an Enemy* being read the third time

Resolved Nemine Contra Dicente That the Said bill do pass

Ordered That M^r *Maçon* M^r *Wynne*, M^r *Sullevant* and M^r *Kenner* do forthwth carry the said Bills to the Councill and desire their Concurrence thereunto

And they being returned

M^r *Maçon* acquainted the house that they had been wth the Councill Delivered the bills to them and desired their concurrence

M^r *Geo: Marrable* a member of this house being accused of undecent carriage in faulting an Entry made by Order of the house A mo^on was made that he wthdraw w^{ch} was agreed to

And being withdrawne

Resolved

Resolved That M^r Geo: Marrable hath this day misbehaved himselfe in the house—

Ordered That M^r Geo: Marrable make an humble Acknowledgment of his misbehaviour this day in the house and that he is heartily Sorry for the Same and that he be in the messengers Custody untill he make such acknowledgement—

M^r Cary from the Committee of Publick Claimes to whom it was referred to prepare an Address to his Excellency for laying open the Pamunkey neck Land and the land on the South side Blackwater Swamp So as the Same may be taken up and patented—

Reported the Said Address w^{ch} he read in his place and afterwards delivered in at the Table—

Ordered That the Said Address do lye upon the Table—

Then the house being informed that M^r Marrable in Custody of the messenger desired to be admitted to make an acknowledgement according to order for his misbehaviour this day in the house—

The messenger was ordered to bring him into the house and accordingly did where failing to make Such an acknowledgm^t as the house required he was remanded back

Resolved That the house forthwth resolve itt Selfe into a Committee of the whole house to take into consideration the allowances to the respective Officers that have attended this Session of Assembly together wth Such matters as Stand referred and all Such further allowances as remaine to be added to the book of reports of the Committee for Publick Claimes—

And Accordingly the house resolved itt self into a Committee of the whole house to take the Said matters into consideration and after some time Spent therein M^r Speaker resumed the Chair—

And M^r Leigh reported that the Said Committee had agreed upon Severall resolutions which he read in his place and afterwards delivered in att the table where they were again read and part agreed to and part disagreed to—

Ordered That the Severall resolutions of the Committee of the whole house concerning allowances which are agreed to by the house be annex to the book of reports of the Committee for Publick Claimes—

Ordered That the thanks of this house be by M^r Leigh given to M^r Speaker for his great diligence care and paines in the discharge of his place this Session which was done accordingly

Ordered That M^r Speaker be presented wth the Summe of Tenne Thousand Pounds of Tobacco and Casq^e as an acknowledgment from this house for his Services this Session hereupon M^r Speaker was pleased to Say to this Effect—

Gentlemen—

This House having in many Instances made me very Sencible of their favours and good Opinion itt is my duty to acknowledge them with the greatest thankfullnesse and to Exert the utmost of my Endeavours for the Service of this house—

I'll assure you *Gentlemen* I value the Esteem of this house as my greatest honour and I have no doubt upon mee that any member in it beares me the least disrespect—

Then the house being informed that M^r Marrable was ready to Submit himself and to make Such acknowledgment as the house require for his Misbehaviour this day

The messenger was ordered to bring him into the house and accordingly did where having made an humble acknowledgment of his misbehaviour and hearty sorrow for itt

Ordered That he be discharged out of custody paying fees

Resolved and accordingly *ordered*

That the Severall allowances made this Session and what Shall hereafter become due to the members assistants and Clark of the Committee for revivall of the lawes be paid out of the monyes arising from the imposition upon Liquors

Ordered That the Committee for publick Claimes carry to the Councill the book of reports of the said Committee together with the additions made in the house thereunto and also the Severall resolves of this house concerning allowances to the revivors of the lawes and desire their Concurrence to the Same

And then the house adjourned till to morrow morning nine a Clock

Wenesday

Wenesday Sept^r the 10th 1701.

APETITION of *Orlando Jones* for an Allowance after the rate of twenty five pounds £ ann for his Service as Clerk to the Directors and Trustees of the City of *Williamsburgh* being read

Ordered That the Said Petition be torn which was done accordingly

Then a representation of the Services the Said *Orlando Jones* had done as Clerk to the Directors and Trustees of the City of *Williamsburg* was read

And the Same being considered

Ordered That *Orlando Jones* in Consideration of all the Services he has done as Clark to the Trustees of the City of *Williamsburgh* be allowed five pounds and that the said Sum be added to the book of reports of the Committee of Publick Claimes

Ordered That the Allowances made by the house to the Severall persons which Guarded the two Strange Indians Since they were brought to *Williamsburgh* and the allowances made to *Jⁿo Young* for dyeting the said Indians and guards and the Allowance made to *Jⁿo Bently* for Entertainment of the *Pamunkey* and *Chickahominy* Indians by his Excellys Ord^r be severally added to the book of reports of the Committee for Publick Claimes

Ordered That the Severall resolutions of this house made about *Pamunkey* neck Land and the land on the South side *Blackwater* Swamp be carryed to the councill for their Concurrence And that *M^r Barber* *M^r Maçon* *M^r Gough* and *M^r Marrable* carry the same

M^r Leigh from the committee of Propositions and Grievances to whom it was referred to prepare and bring in a Bill for making Sev^l Altera^ons in the Capitoll &c^a

Reported That they had p^rpared the said Bill and intituled it a bill giveing farther directions in building the Capitoll and for building a Publick prison and then he p^rsented the bill att the table which was read the first time and

Ordered A Second reading to morrow

A Bill Intituled *an Act concerning the Militia* was returned from the Council by *M^r Wright* and wth it propofalls for Sev^l Amendm^{ts} to be made therein w^{ch} if the house Should agree to the Council would agree to the bill

Ordered That the Said Amendm^{ts} be taken into consideration to morrow morning.

M^r Beverly from the committee app^ted to inspect and Examine *M^r Treasurers* Acco^{ts} of the Imposition upon Liquors and of the imposition upon Servants and Slaves—Reported the matter as itt Appeared to them w^{ch} he read in his place and afterwards delivered in att the Table—

Ordered That the Said report lye upon the Table

And then the house adjourned till to morrow nine a Clock

Thursday Sept^r the 11th 1701

M*R Barber* acquainted the house that the persons app^ted had been wth the Council and according to order delivered them the Severall resolu^ons of this house concerning the land in *Pamunkey* neck and the land on the South side *blackwater* Swamp and desired their Concurrence thereunto—

Ordered That leave be given to *M^r Maçon* to goe into the Country upon Extraordinary occasions and that he give his attendance againe upon the Service of the house on *monday* morning next

A bill giving further directions in building the Capitoll and for building a Publick prison according to ord^r was read the Second time

Ordered That the Said Bill be ingrossed and read a third time

M^r Tayloe from the Committee appointed for drawing an humble Address to rep^rsent to his Majesty the Case between this Government and *new York* and for p^rpareing

ing Suitable Instrucons for our Agent thereupon reported the addrefs w^{ch} he read in his place and afterwards delivered in att the table

Ordered That the Said Addrefs do lye upon the table.

The house taking into confideraçon the report of the Committee appointed to inspect and Examine M^r *Treasurers* Accounts of the Imposition upon Liquors and of the Imposition upon Serv^{ts} & Slaves which was yesterday made—

Resolved That the house will not allow the Article in M^r *Treasurers* Accounts in these words *Viz* To an Error in Cõll *Richard Leighs* last acco^t of Liquors Nine pounds tenn Shillings Sixpence—

Ordered That the Committee appointed to Inspect and Examine M^r *Treasurers* Accounts of the Imposition on Liquors and Servants and Slaves direct M^r *Treasurer* to give Credit in his Said Accounts for the Said Summe of Nine pounds tenn Shillings Six pence and to take care that *Richard Lee* Esq^r make Oath to his account and that he himself make Oath to his *Treasurers* Account according to Law

M^r *Wright* bro^t into the house from his Excelly and the Councill Severall Papers and p^rsented the same at the table being *viz*

A Proposition in writing

A Letter to his Excelly from the Lords Commiff^{rs} for trade and Plantations dated the 4th of *Jan^y* 1699-1700

And a Letter to his Excelly from the Lords Commiff^{rs} for trade and plantations Dated the one and twentieth of *August* 1700 which were severally read. the Proposition being as followeth

Whereas severall disputes have heretofore & dayly do arise what shall be accounted a Charge to be laid upon and paid by the Publick and what is to be paid Expressly out of and by his Majests Revenue for prevention thereof for the future It is propos^d—

That a Law be made to distinguish what shall be accounted a Country Charge and what shall be paid out of the Kings Revenue

Ordered That the confideraçon of the said Proposition be referred to another time—

A Bill intituled *an Act for dividing King and Queen County* was returned from the Council by M^r *Wright* and with it proposalls for Severall Amendments to be made therein which if the house should agree to the Council would agree to the Bill—

And the said Amendm^{ts} being thrice read were agreed to by the House and incerted in the Bill—

A Bill intituled *an Act giving power to the Sheriffs attending the Gen^l Court to Sumon Jurors and Evidences within the City of Williamsburgh* was returned from the Council by M^r *Wright* and with it proposalls for Severall amendments to be made therein which if the house should agree to the Council would agree to the Bill—

And the said amendments being thrice read were agreed to by the house and incerted in the Bill

Ordered That M^r *Thacker* M^r *Ball* M^r *Wynn* and M^r *Edmondson* forthwith carrye the said Bills to the Council for their view That this house hath agreed to the amendments p^rposed by them to each of the s^d Bills and incerted them in the Bills—

And they being returned—M^r *Thacker* acquainted the house that they had delivered the said Bills to the Council—

Then according to order Yesterday the house took into confideration the Amendments propos^d by the Council to the Bill intituled *an Act concerning the Militia* and having gone thorow the same part were agreed to and part were disagreed to—

Resolved That a Conference be desired with the Council upon those amendments to the Bill intituled *an Act concerning the Militia* which are disagreed to by the house—

Ordered That M^r *Leigh*, M^r *Cary*, M^r *Beverley*, M^r *Tayloe* M^r *Harrison* and M^r *Bland* wait upon the Council and desire a Conference accordingly

M^r *Beverley* from the Committee appointed to inspect and Examine M^r *Treasurers* accounts of the Imposition upon Liquors and of the Imposition upon Servants and Slaves

Reported That according to order they had been with M^r *Treasur^r* and that M^r *Treasurer* had given further Credit & made Oath to his account according to the direction

of this house and that the ballance in his hands is now One Thousand One hundred Eighty four pounds nineteen shillings ninepence farthing

And then the house adjourned till to morrow morning nine a Clock—

Fryday September the 12th 1701

MR Leigh from the persons appointed to desire a Conference with the Council upon the Amendments to the Bill intituled *an Act concerning the Militia* which are disagreed to by this house

reported That they had been with the Council & desired a Conference accordingly

An ingrossed bill intituled *an Act giving further directions in building the Capitoll and for building a Publick prison* was read the third time And a Small amendment being made therein at the table and thrice read

Resolved The said bill do pass with the amendment

The house having taken into consideration a Proposition from his Excellency and the Council Yesterday.

Resolved That it is the Opinion of this house

That it is necessary a law be made directing what Charge shall be paid by the Publick and what shall be paid out of his Majesties Revenue

Ordered That it be referred to the Committee for Revizall of the lawes to consider the said matter and prepare a bill concerning the Same—

The House took into consideration the Address to his Excellency for laying open the Pamunkey neck lands and the lands on the South side *Blackwater Swamp* which was laid upon the table on *Tuesday* the ninth Instant

And the said Address was read and after some Amendments made therein at the table was agreed to by the house

Ordered That the said Address be fairly transcribed and that the Hon^{ble} Council be desired to joine with this house in presenting the same to his Excellency

A Bill intituled *an Act for dividing King and Queen County* and a bill intituled *an Act giving power to the Sherrieff attending the Gen^l Court to Summon Jurors and Evidences within the City of Williamsburgh* were returned by M^r Wright and Severally agreed to by the Council

A message from the Council by M^r Wright That the Council do agree to the Conference desired by this house upon the amendments to the bill intituled, *An Act concerning the Militia* and have appointed three of their Members to conferr with the Members of this house to be appointed concerning the same and that the Conference be forthwith held in the Council Office—

And thereupon

M^r Leigh.....M^r Beverley

M^r Cary.....M^r Harrison

M^r Tayloe.....M^r Bland

Were appointed Managers for this house in the Said Conference and Ordered to give their Attendance upon it at time and place appointed by the Council as aforesaid

A Bill intituled *an Act for the more Effectuall Apprehending an Outlying Negro who hath Committed divers Robberys and Offences* was by M^r Wright returned from the Council agreed to without any Amendments

An Ingrossed Bill intituled *an Act for the better Strengthening the frontiers and discovering the Approaches of an Enimye* was returned from the Council by M^r Wright and with it propofalls of severall Amendments to be made and a new Clause therein to be added which if the house should agree to to [the] Council would agree to the Bill—

and the said Amendments and Clause being read were agreed to Saving a Small alteration—

Ordered That M^r Leigh and the rest of the persons appointed to manage the Conference

ference with the Council upon the Amendments to the Bill intituled *an Act concerning the Militia* forthwith withdraw and Acquaint the Council how farr this house hath agreed to their amendments propofed to the Bill intituled *an Act for the better Strengthening the frontiers and discovering the approaches of an Enemy* and defire them to concur with the house in a Small Alteration which the house thinks neceffary

And they being returned M^r Leigh reported they had acquainted the Council accordingly.

M^r Leigh from the Conference with the Council upon their amendments to the Bill intituled *an Act concerning the Militia* which were difagreed to by the house reported the matter of the Conference and that they were inclinable to agree with the house in Some parts and in other parts to difagree—

M^r Wright from the Council returned the Bill intituled *an Act for the better Strengthening the frontiers and discovering the approaches of an Enemy* with this meffage—

That the Council do not infift upon all their amendments firft propofed to the faid bill but are content the alteration fhould be made as agreed upon by the house—

And thereupon the amendments propofed by the Council and the alteration agreed upon by the house being made in the bill and the new Clause added—

Ordered That the faid Bill be carryed back to the Council by M^r Leigh and the reft of the Conferrees for the Councils view that amendments are made therein and a Clause added according to their amendment

And then the house adjourned til to morrow morning nine a Clock—

Saturday September the 13th 1701

ORDERED That the perfons appointed to carrye to the Council the Bill intituled *an Act for the better Strengthening the frontiers and discovering the approaches of an Enemy* do carrye alfo to the Council the Addrefs of this house to his Excellcy for laying out the Pamunkey Neck lands and the lands on the South fide Blackwater Swamp and defire their honours to joyne with this house in prefenting the faid Addrefs to his Excellcy

And they being returned M^r Leigh acquainted the house that they had been wth the Council had delivered to them the Bill intituled *an Act for the better Strengthening the frontiers and discovering the Approaches of an Enemy* and alfo the Addrefs of this house for laying open the Pamunkey Neck lands and the lands on the South fide Blackwater Swamp and that they had defired their honours to joyne with this house in p^refenting the faid Addrefs to his Excellency—

Then an humble addrefs to represent to his Majefty the Cafe between this Government and New York which was laid upon the table on *thurfday* laft being read and the queftion put

That the Addrefs be large and containe all neceffary Claufes for his Majefties full information

Resolved In the affirmative—

Ordered That the faid Addrefs be committed to a Committee of the whole house—

Resolved That the house do forthwith refolve into a Committee of the whole house to confider the Addrefs for rep^refenting to his Majefty the Cafe between this Governm^t and New york—

And accordingly the House refolved it Self into a Co^mittee of the whole house to confider the fame and after fome time Spent therein M^r Speaker refumed the Chaire and M^r Cary reported that the faid Committee had agreed upon Severall Amendments to the faid Addrefs which he read in his place and afterwards delivered in at the table and the faid Amendments with Some others being agreed to by the house

Ordered That it be referred to the Committee appointed to p^repare and bring in the faid Addrefs to incert the amendments agreed upon by the house therein—

An Ingroffed Bill intituled *an Act for the better Strengthening the frontiers and discovering*

covering the Approaches of an Enemy was by Mr Wright returned from the Council agreed to--

Ordered That the House be called over next *Monday* morning at Eleven a Clock--
And then the house adjourned til *monday* morning tenn a Clock--

Monday September the 15th 1701.

THE house according to order being called over the absence of those that did not appear was Excused

Then the house took into consideration his Excells Eighteenth and nineteenth propositions which were referred and having Spent Some time therein Resolved as followeth.

Resolved That y^e Act laying an Imposition upon liquors and the Act laying an Imposition upon Servants and Slaves be continued in force one year and half longer and that a Bill be prepared accordingly--

Ordered That it be referred to the Committee for publick Claimes to prepare and bring in the said Bill--

Ordered That it be an Instruction to the said Committee in preparing the said bill to add a Clause permitting the Officer with whom Entry shall be made to allow a drawback of three fourths of the Impositions upon all such liquors Servants and Slaves as are with him entred in Case they be Exported within Six weekes after the Entry

Resolved That the tenn pounds mentioned to be paid Mr *John Walker* of King and Queen County is no Country Charge--

Resolved That the two Articles of twenty pounds and twenty One Pounds three shillings three pence for two yeares and half rent for the Council Chamber and for other disbursements and Expences concerning y^e Same is no Country Charge

Resolved That Cap^t *Moore*s Claime of two hundred and fifty pounds of Tobacco is no Country Charge

Resolved That Cap^t *George Waffes* Claime of four pounds fifteen fifteen shillings is no Country Charge

Then a motion being made and the question put

That Cap^t *George Waffe* have Something given him for his Claime

It passed In the Negative--

And a motion being made and the question put that Cap^t *Moore* have something given him for his Claime--

It passed In the Negative--

Resolved That the Claime of Mr *George Norfworthy* for three pounds is no Country Charge--

Resolved That the article of Sixty pounds paid for taking vp three Pyrates who escaped is no Country Charge

Resolved That the Article of tenn pounds to *James Darbyshyre* for Handcuffs for the Pyrates is no Country Charge

Resolved That the Article of Seventeen pounds tenn shillings for Severall Charges and Expences relateing to the Pyrates is no Country Charge--

Resolved That an Address be prepared Signifying to his Excellcy the Severall resolutions of this house upon his Excellys Severall Speeches and messages this Session--

Ordered That it be referred to the Committee of Propositions & Grievances to prepare and bring in the said Address--

Mr *Cary* from the Committee of Publick Claimes to whom it was referred to prepare and bring in a Bill continueng the Acts laying Impositions upon Liquors Servants and Slaves until the twenty fifth of *December 1703* reported the said Bill and presented the same at the table where it was read the first time--And

Ordered A Second Reading

Ordered

Ordered That M^r *Applewait* have leave to goe to his owne house to visit his wife who is sick—

A Petition of *Orlando Jones* referred by his Excellency and Council to the consideration of this house praying an Encouragement may be given to young men who are willing to goe out upon a discovery to the Westward being read—

Ordered That the said Petition be rejected

A Petition of *Charles Evans* referred by his Excellency and Council to the consideration of this house praying for an allowance to Encourage his attendance upon assemblies as an Underwriter being read

Ordered That the said Petition be rejected

And then the house adjourned til to morrow morning nine a Clock.

Tuesday September the 16th 1701

RESOLVED and accordingly *Ordered*

That the Summe of two hundred eighty three pounds five shillings *Sterling* be put into the hands of the Trustees of y^e City of *Williamsburgh* for payment of the Severall proprietors concerned in the Land taken up for the said City.

Ordered That M^r *Cary*, M^r *Tayloe*, M^r *Harrison*, and M^r *Barber* forthwith carrye the said Resolve to the Council and desire their Concurrence thereunto

And they being returned M^r *Cary* acquainted the house they had been with the Council and delivered the said resolve and desired the Councils Concurrence

M^r *Leigh* from the Committee of Propositions and Greivances to whom it was referred to prepare and bring in an Address signifying to his Excellency the Severall resolutions of this house upon his Excellency's Severall Speeches and messages this Session reported the Address—which he read in his place and afterwards delivered in at the table where it was againe read and after Some Amendments made therein agreed to by the house was as followeth—

To his Ex^{ty} Francis Nicholson Esq^r his Majestys Lieut^{nt} and Govern^r Gener^l of Virginia--

The humble Address of y^e House of Burgeses

May it please Yo^r Ex^{ty}

Wee his Majestys loyall and dutifull Subjects the Burgeses now assembled having taken into our Serious consideration yo^r Excellency's Sev^l Speeches and messages to this house this Session humbly take leave to represent to your Excellency our Severall resolutions and proceedings thereupon—

As to his Majestys Royall Commands relating to an Assistance of money and men to be given to *New York* and mentioned in the beginning of y^r Excellency's first Speech wee have come to Severall resolutions therein *viz^t*

That those his Majesties Commands were obtained by his Majesties Subjects in *New York* upon their false Suggestions and misrepresentations and that those misrepresentations were made meerly to gain a Contribution the better to enable them to build forts for Security of their Indian trade And that forts on the frontiers of that Governm^t can be of no Security to this Colony nor keep of the Indian Enimye from the frequent disturbances they give us—

That wee are not in a condition to furnish the nine hundred pounds nor considering our publick Engagements and the necessary provision which this Colony will require from time to time for the Security and defence thereof are likely to be so—

That the sending of men to *New York* from hence would be prejudiciall to his Majesties Interest at home and endanger the Safety of this Colony & that it is not probable that men can be sent from hence in Such time as to be Serviceable to that Province upon an Invasion—

And that for making a Suitable Representation to his Majesty in vndeceiving him and obviating the like Grants for the future we have agreed upon M^r *William Byrd* Jun^r

Jun^r now in *England* to be our Agent to represent the Cafe to his Majesty and are preparing an Addrefs and Instructions to that purpose—

And as to that part of your Excellys Speech mençoning Mr Secretary *Vernons* Letter for putting this Country into the best posture of defence and the Severall other propositions about the Same, Wee have past one bill for Security of the frontiers and discovering the Approaches of an Enimye and have also past One other Bill concerning the Militia That as to the regulating the Militia into fitt and Serviceable numbers for each troop and Company we have left it wholly to your Excelly.

That as for carrying on the building of the Capitol and building a publick prison We have agreed upon a Suitable Bill for that purpose and left it to the Care of the Committee appointed to inspect and Oversee the building of the Capitol with power to apply themselves to your Excellency for what money they shall have Occasion for

That as to the consolidating or altering the bounds of Parishes or Countys—we are of Opinion that it is not convenient to make any alteraçon in the bounds of Countys or Parishes already Setled but when Representation is made that the Countys and Parishes are aggrieved—

That for the better carrying on and more Speedy Effecting the Revifall of the Lawes wee have made Suitable resolves now lying before the Council *Viz*

For paying the Charge of attendance hitherto accrewing and ascertaining the Rewards and Encouragements to the Clerk and Assistants—

That as to those parts of your Excellys Speech and Propositions which relate to the dispatch of publick Letters and what shall be accounted Such and for Setling of Publick fierrys for the Restraint of Seamen both in his Majesties and the Merchants Service and for preventing Shippes running away when Imbargoes shall be layd. we have referred the same to the consideration of the Committee for Revifall of the Lawes

That considering the Debts and many publick Engagements upon this Country we have agreed to renew the two Imposition Acts for A yeare and a half longer then the time they run for—

That for payment of the Severall Proprietors concerned in the land taken vp for the City of *Williamsburg* we have made an order that the Sume of Two hundred Eighty three pounds five shillings be put into the hands of the Trustees of the said City to the intent every Proprietor may be duly paid his proporçon according to the valuation of the Jury—

That wee have past a bill giving power to the Sherrieff that shall attend the Gen^l Courts and his Officers to Summon Jurors and Evidences for the attendance of the Gen^l Courts within the City of *Williamsburgh* and in any place within half a mile thereof—

And that the Country at this time is not in A Condition to vndergoe the Charge of building a House for the Govern^r

And an other Article in One of your Excells Speeches mençoning Disbursements for publick Charges amounting to One hundred forty six Pounds Eight Shillings three Pence. wee have Examined the Particulars of that account and are of Opinion that it is no Country Charge and therefore have not ordered the payment of any part thereof

And as to what remaines of yo^r Excellys Severall Speeches and Propositions we conceive to be answered by messages already Sent to your Excelly from our house and shall therefore draw to a Conclusion of this our addrefs with a due acknowledgment for your Excells many favours towards us And that it will please yo^r Excelly to accept of our hearty and unfeigned thanks for the same—

Ordered That the said Addrefs be forthwith fairly ingrossed in ord^r to be presented to his Excelly—

A Bill continueing the Acts laying Imposiçons upon liquors Servants and Slaves until the twenty fifth of *December* 1703 was read the Second time

And some Amendments being therein made at the table—

Ordered That the said bill be ingrossed with the Amendm^{ts} and read a third time—

Then the Addrefs signifying to his Excelly the Severall resolutions of this house upon his Excells Severall Speeches and messages this Session being fairly ingrossed and presented by the Clerk at the table

Resolved

Resolved That the said Address be presented to his Excellency by the whole house—

Ordered That the Committee of Propositions and Grievances wait upon his Excellency to know his pleasure when the house shall attend his Excellency with their Speaker to present the said Address—

Mr *Taylor* from the Committee to whom it was referred to insert Several Amendments agreed upon by the house in the Address for representing to his Majesty the Case between this Government and *New York* reported that the said Committee had done the same and then presented the Address at the table—

Ordered That the said Address be read to morrow morning

Ordered That Mr *Taylor* have leave to goe to his owne house in the Country upon Extraordinary Occasions—

And then the house adjourned til to morrow morning nine a Clock

Wednesday Septemb^r the 17th 1701

ORD*ERED* That this following Clause be added to the address to be presented to his Excellency
May it please yo^r Excellency.

Since preparing and passing the within Address we have considered the most agreeable method to our Circumstances of putting this Country into a posture of defence upon an Extraord^y Emergency as an Alarm, Surprise, Infurrection or Invasion which God of his infinite mercy keep us from. And whereas It is uncertaine what may happen after our recess And as certaine that it will be a burthenfome Charge to keep a standing force against such Accidents. we do therefore leave it to yo^r Excellency til the next Session of Assembly with the Advice of his Majestys Honble Council upon any Such Emergency to levy competent forces for the defence and Security of this Colony as the occasion requires to be paid by the Publick trusting to your Excellys wisdom and goodness to disband the same againe as the Cause of danger ceases for which they were raised—

Mr *Leigh* acquainted the house that the persons appoint^d to wait upon his Excellency to know his pleasure when the house shall attend his Excellency with their Speaker to present their Address Signifying the Several resolutions of this house upon his Excellys Several Speeches and messages this Session had according to order attended his Excellency and that his Excellency was pleased to say it was what he had Expected a long time and the Sooner the House came the better

And thereupon the house went to attend his Excellency

And being returned—Mr *Speaker* acquainted the house that he had presented the Address to his Excellency and according to the best of his remembrance reported what his Excellency was pleased to say thereupon—

And Mr *Speaker* further acquainted the house that his Excellency was pleased to deliver him an *English* Gazette lately received which gave an account of the happy Conclusion between the King and his Parlim^t and to say that he hoped this Session would end so—

And then so much of the said Gazette as concerned the Conclusion of the Parliament was read at the table

Ordered. That a Copy of the resolve of this house upon a Propofall from his Excellency and the Council to make a law for distinguishing what shall be accounted a Country Charge & what shall be paid out of the Kings Revenue be Sent to his Excellency and the Council And that

Mr *Cary*..... Mr *Giles*

Mr *Josier*..... Mr *Fitzhugh* and

Mr *Harrison*..... Mr *Gough*

do forthwith carrye the same—

And they being returned Mr *Cary* acquainted the house that they had deliver^d the Same to his Excellency and the Council

Then

Then according to order the addrefs representing to his Majesty the Case between this Government and *New York* was read and after some Amendments made therein at the table being agreed to by the house—

Ordered That the said Addrefs be fairly transcribed and presented to the house in order to be sent to the Council—

An Addrefs to his Excellency for laying open the *Pamunkeyneck* Lands on [and] the lands on the South side the *Blackwater* Swamp was returned from the Council by Mr *Wright* and Mr *Wright* acquaint^d the house that the Council did agree to joyne with the house in presenting the same to his Excellency

Ordered That the said Addrefs be fairly ingrossed in order to be presented to his Excellency—

Mr *Wright* brought into the house a written message from his Excellency and the Council with severall Papers relating therevnto and presented the same at the table being *viz*

A Copy of a Clause of a Letter given to *Edward Nevell* Command^r of his Majesties Shipp the *Lincoln* by the Committ^{es} for Executing the office of Lord high Admirall of England &c—

A Copy of a Letter from the Lords of the Admiralty to his Excellency Dated the twenty fifth of *June 1701*

A Copy of a Letter from Secretary *Burchett* to his Excellency dated the twenty fifth of *June 1701*.

And a Copy of the Lords of the Admiraltys Instructions to Cap^t *Passinger* dated the twenty fifth of *June 1701*

which were Severally read the message being as followeth—

Wednesday 17th Sept^r 1701

By his Excellency and the Honorable Council

His Excellency acquainting the hon^{ble} Council that he had spoke Yesterday with Cap^t *W^m Passinger* Command^r of his Majests Shipp the *Shoreham* and enquired of him when he thought he might be ready to Sayle for *England* and that Cap^t *Passinger* answered he must Careen first and about the middle of next month would be ready to Sayle and would then take under his convoy what Shippes should be then ready to Sayle outwards

And Cap^t *William Durley* Command^r of his Majests Shipp the *Lincoln* being asked by his Excellency when he would be ready to Sayle answered that he should be ready about three weekes hence and would then take under his Convoy what Shippes and Veffells should be then ready to Sayle Outwards—

And Cap^t *James Moody* Command^r of his Majests Shipp the *Southampton* acquainting his Excellency that there is a Small veffell coming to *Maryland* to releive Cap^t *Code* So that Cap^t *Code* also is to returne to *England*—and the aforesaid Cap^t *James Moody* further acquainting his Excellency and the Council that he verily believed that open Warr is by this time proclaimed. Upon Serious consideraçon of all which It is the Opinion of his Excellency and the hon^{ble} Council and accordingly *Ordered*—

That the same and all Papers thereto relating be laid before the House of Burgeffes—

And that their Opinion thereupon be desired

Whether it will be for his Majests Service and the Interest of this Colony that the aforesaid three Veffells be joyned together to go in one fleet

2nd Whether it may not be proper to lay an Embargo upon all Shippes outward bound to stay and take Convoy under the aforesaid Shippes—

Then the house being informed that Cap^t *Moody* attended to give information to the House concerning the Contents of the Message he was called into the house and being heard what he had to say withdrew

Resolved That it is the Opinion of this house That it will be for his Majests Service and the interest of this Colony That his Majests Shipp the *Lincoln* and his Majests Shipp the *Shoram* be joyned together in One fleet

Resolved That it is the Opinion of this house That it is proper to lay an Imbargo upon all shippes outward bound and to stay and take convoy under the aforesaid Shippes

Ordered

Ordered That Mr *Leigh*, Mr *Bland*, Mr *Thucker* Mr *Spence* Mr *Westcomb* and Mr *Hobson* do forthwith carrye to his Excellency and the Council a Copy of the Said Resolves

Resolved That an humble Address be drawne representing to his Majesty that Mr *William Byrd Junior* is appointed Agent for this Colony and that his Majesty will be gratioously pleased to admitt him to present and Sollicit our Address with all other affaires committed to his Charge

Ordered That it be referred to the Committee of Propositions and Grievances to prepare and report the said Address

And then the House adjourned til to morrow morning nine a Clock—

Thursday Septemb^r the 18th 1701

THE Address for representing to his Majesty the Case between this Government and *New York* being fairly ingrossed and presented by the Clerk at the table

Ordered That the Committee of Propositions and Grievances do forthwith carrye the said Address to the Council & desire that they will be pleased to joyne with the house in the same

And being returned—Mr *Leigh* reported that the persons appointed had delivered the said Address to the Council and desired them to joyne with the house in the same—

Mr *Leigh* from the Committee of propositions & Grievances to whom it was referred to prepare and bring in an Address representing to his Majesty that Mr *William Byrd Junior* is appointed Agent for this Colony and that his Majesty will be gratioously pleased to admitt him to present and Sollicit our Address with all other affaires committed to his Charge reported the Address which he read in his place and afterwards delivered in at the table where it was againe read and agreed to by the house

And being fairly ingrossed

Ordered. That the Committee of Propositions and Grievances do forthwith carrye the said address to the Council and desire that they will be pleased to joyne with the house in the same

And they being returned Mr *Leigh* reported that the persons appointed had delivered the said Address to the Council and desired them to joyne with the house in the same

And then the House adjourned until nine a Clock to morrow morning—

Fryday September the 19th 1701

MR *Treasurers* General account of the Impositions Dated the 6th of *August 1701* and Sworne to before his Excellency in Council was read and passed the House—

Ordered That the Committee appointed to inspect and Examine Mr *Treasurers* accounts of the Imposition upon liquors and of the Imposition upon Servants and Slaves forthwith carrye the said Accounts to his Excellency and the Council and desire their Concurrence thereunto—

And they being returned Mr *Beverley* reported that the persons appointed had delivered the said Accounts to his Excellency and the Council and desire their Concurrence to the Same—

An Ingrossed Bill intituled *an Act continuing the Acts laying Impositions on Liquors Servants and Slaves until the twenty fifth of December 1703* being read the third time

Resolved That the said bill do pass—

Ordered That the Committee for Publick Claimes carrye the said Bill and the bill giving further directions in building the Capitol and for building a publick prison to the Council and desire their Concurrence thereunto And also acquaint the Council that the House has now no business [be] fore them

And being returned Mr *Cary* reported that the persons appointed had been with
the

the Council and delivered the said bills and desired the Concurrence thereunto And also had acquainted the Council that the house had now no business before them—

A message from the Council by *Mr Wright*—being as followeth
Mr Speaker and Gentlemen of the house of Burgeffs

The Council have before them your address to his Majesty representing the house have appointed *Mr William Bird Junr* their Agent to present an humble Address to his Majesty and desiring the Council to joine with the house in it—

The Council having also before them the Address of the house of Burgeffs to his Excellency intimating that they were preparing Instructions for their Agent which the Council not having yet before them desire they may be Sent That the Council may consider the same with the said Address to his Majesty—was answered in writing as followeth—

May it please your Honrs

In answer to your Honrs message of this day concerning instructions to our Agent we take leave to acquaint you that upon Second consideration we altered our first Intentions separating the Instructions from the Address and voted the Address should containe all necessary matter, & that is the reason which makes it So large—

When we receive an Account that yo^r Honrs do agree to joine with us in the Address and that you approve of the Agent. If any further Instructions occur which may be thought proper concerning the Subject matter of the Address or any other Affaire we shall intimate the same to your Honours for your Approbation—

Ordered That *Mr Gough*, *Mr Kenner* *Mr Armistead* and *Mr Thacker* forthwith carrye the said answer to the Council—

And they being returned *Mr Gough* reported they had delivered the said Answer to the Council

A message from his Excellency and the Council by *Mr Wright*—
Mr Speaker

I am commanded by his Excellency and the Council to lay before this house the proceedings of his Excellency and the Council heretofore had concerning the fortifications and the Security and defence of this his Majestys Colony and they desire this house to deliver their Opinions thereupon—

And the said proceedings were read at the table and being considered

Resolved That it is the Opinion of this house That this Country is not of ability to build any fortifications and that if it were the benefit would not countervail [countervail] the Charge

A message from his Excellency by *Mr Wright*—
Mr Speaker

I am commanded to acquaint the house that his Excellency does not find that the house have made any direct answer to the Proposition concerning an Address to be made to his Majesty That two Engineers or fire masters well skilled in managing Mortar peices Grandoes and all fireworks for Shippes in Warr may be sent hither and all materials for that purpose with Granadeer and Dragoon Armes which his Excellency Expects—

Ordered That a Copy of the Resolve of this House upon his Excellency's fifth proposition be sent as an answer to his Excellency's message this day. and that his Excellency be acquainted that the Subject matter thereof was not willfully omitted in our Address—

Ordered That *Mr Gough*, *Mr Kenner*, *Mr Armistead* and *Mr Thacker* do forthwith carrye the Copy of the Resolve of this House concerning fortifications to his Excellency and the Council and a Copy of the Resolve of this house upon his Excellency's fifth proposition and the order of this day thereupon to his Excellency

And they being returned *Mr Gough* reported that they had been with his Excellency and the Council and delivered to his Excellency the Copy ordered by the House to be delivered to his Excellency And the Copy ordered by the House to be delivered to his Excellency and the Council—

And then the House adjourned til to morrow morning nine a Clock—

Saturday

Saturday September the 20th 1701

THE Houfe mett and after fome time a motion being made and the queftion put That the Houfe do adjourne til *monday* morning
Refolved. In the affirmative—
 And accordingly the Houfe adjourned til *Monday* next nine a Clock in the morning

Monday Septemb^r. the 22nd 1701

A MESSAGE from his Excellcy by Mr Wright
Mr Speaker and Gent^l. of the Houfe of Burgeffs
 His Excellcy commands the imediate attendance of this houfe upon him in the Council Chamber and accordingly the Houfe went to attend his Excellency

And being returned—Mr *Speaker* acquainted the Houfe That his Excellcy was pleased to make a Speech and to give him A Copy thereof and alfo a Paper of Propofitions with Severall Papers relating thereunto *viz*

A Lift of all the Militia Horfe and Foot within the Colony of *Virginia*—

An Abftraft of the Militia

A Lift of every fifth man lately returned by his Excellcy order—

An Abftraft of the faid Lift

Ane Account of Armes and Amuniçon in each County

Then Mr *Speaker* read his Excellcy Speech and Propofitions and the titles of the Papers delivered him therewith The Speech and Propofitions being as followeth—
Mr Speaker & Gent^l. of the Houfe of Burgeffes

Your Refolve of the 17th Instant which you prefented to me I have confidered as well as I poffibly can and I returne you my moft hearty thanks for the good Opinion you have of me by intrufting me with the great and weighty affair of your refolve— And as I have constantly advifed with his Majefty Hon^{ble} Council upon all occafions for his Majefties Intereft and Service as likewife for the good and wellfare of this his Majefty moft antient and great Colony and Dominion of *Virg^a* So you may be affured I will continue to do more particularly as to what concernes your Refolve—

And if please God there fhould be an occafion to levy any forces for the defence and Security of this Colony I fhall endeavour (with God Almighty's Affiftance) which I alwaies have and hope fhall ever continue to implore) to make ufe of them accordingly) and to difband them as foon as ever the Occafions for which they may be raifed fhall be removed

Honorable Gent^l.

I fhould betray the Truft which you are pleased to put in me by your refolve, If I did not lay before you Some propofalls whereby I think it may be ftrengthened and your defignes in the fame be answered And I fhould fail in the duty I owe to his moft Sacred Majefty and the great refpect and Esteem I have for *Virginia* if I did not make knowne to you the many and great difficultys which I apprehend we at prefent lye under in cafe we fhould be attacked by the *ffrench* (which God forbid) who tis not to be doubted will be Veterane Soldiers and very well provided both with Armes Ammunition and other neceffarys in great plenty

The matter contained in the Paper which I now give the Speaker is what I offer to your moft Serious confideration and I hope in God, you will take all that is therein contained, as proceeding from an honeft and juft Principle and not interpret it to the leaft Shadow of any bad or finifter defigne in mee for I thank God that I have alwaies abhorred Such things—

And therefore I do moft heartily and Earneftly recommend to you to raife moneys for the buying of Armes and Ammunition, which to be lodged in the moft convenient places

places of our frontiers both by Sea and land, and not to be made use of but upon an Invasion or Infurrection (which God prevent) I think there are two wayes for doing it and I hope that neither of them particularly that One of them will not be very burthensome to the Country and therefore I hope you will agree upon Some proper wayes and meanes to accomplish that most great and weighty business and (as I think) of absolute necessity to be done with all convenient and possible Expedition. And for every fifteen hundred pounds that you shall raise for those uses I will give One hundred pounds and if above proportionably And if the funds on which you shall raise the money will not do it speedily I will lend you seven or Eight hundred pounds and that without Interest for you very well know that after the men of Warr are Sayled for *England* there's very little probability of having any safe opportunity of sending thither til the Spring and the having the like Opportunity of Sending from thence in the Summer hither is very uncertaine and by the last accounts wee have from *England* particularly by Cap^t *James Moody* Command^r of his Majests Shipp the *Southampton* tis probable that before this his Majesty hath declared Warr against *France* and *Spain* and then tis very probable we may be attacked by them chiefly by the *French*. both upon our Sea and land frontiers—

Gent^{ls}.

I hope in God you beleive that what I now speake to you and give to the Hon^{ble} Mr *Speaker* cannot be with any unjust intention for my owne private advantage or that I am over positive in my owne opinion. And I do assure you I look upon my Self obliged in duty both to God his Majestye and the Inhabitants of this Country to venture my life and fortune in the defence of our most holy Religion and his Majests Interest and Service more especially in this his Majests most antient and great Colony and Dominion of *Virginia* and for the Safety wellfare and prosperity thereof in generall (for which I have such an Exceeding great love and affection) and for the Natives thereof in particular but principally for One of them—

For the better accomplishing the foremenconed things the Almighty's Assistance is most Earnestly and humbly implored upon your consultations and proceedings therein and that they may be effectually performed by

Jfr. Nicholson

At his Majests Royall Colledge of *William and Mary* this 22nd day of *September* 1701

Virginia Is

At his Majests Royall Colledge of *W^m and Mary* the 22th *Septembr* 1701

As to the Clause of your Address whereby you impower me upon any Emergency as an Alarm Surprize Infurrection or Invasion by advice of his Majests Hon^{ble} Council to Levy competent forces for the defence and Security of this Colony as the Occasion requires to be paid by the publick In which I find this deficiency That there is not any pay ascertained

And therefore by advice of his Majests Hon^{ble} Council I propose that it be ascertained how much for a Captaine, a Leivtenant, a Cornet, an Ensign a Drummer a Trumpeter, a Serjeant, a Corporall and a Private Centinell and to make it more effectually, that the Same pass into a Law, It being the Opinion of my Self and the Council that no order cannot contradict an Act of Assembly

I find your Militia part thereof not armed not Equipt for Warr neither their Guns or Swords fitt for Action as by the Severall Papers and Lifts herewith given—No. 1, 2, 3, 4. and If this Country should be invaded by a thousand *French* (which God forbid) I am afraid I shall not be able to raise a like number to attack them with A Suitable reserve well provided with Armes and Ammunition proper for such an occasion to be ready to march against them in less than twelve or fourteen daies. In which time it is to be feared they will do considerable Damage and perhapps Enfort or Entrench themselves

And before I can raise them men to oppose them I must be forced to have all the Militia of the adjacent Countys meet together to draw out those men to march against them

And

And to render it yet more difficult by the fourth Act of Assembly made the 16th April 1684 it is provided that no mans Armes or Ammunition shall be impressed from him by which meanes if I want to detach a hundred men if they are not compleatly armed themselves I am disabled from Arming them from among the rest And therefore in order to the making of that power and Truſt you have to me given more effectually for answering the end of defending the Country for which It is deſigned I do with the advice aforeſaid propoſe that a Claufe be added to the aforemenconed Law appointing Some proper way and meanes to buy vp whatſoever Armes and amuniçon is at preſent in the hands of the Merchants of the Country according to the Returnes made by the Severall Colonells of the reſpective Countys as you may ſee in y^r Liſt No. (5)

And I further propoſe that a Muſter Maſter be appointed in each neck to Exerciſe the men and ſee that their Armes be well fixed and themſelves furniſhed with Ammunition and thereof to me to render an account from time to time—

And for a further preſent Supply of Armes & amuniçon in caſe of an Alarm, Surprize, Infurrection or Invaſion I do with the advice aforeſaid propoſe that in the ſame Law I may be empowered by advice in Council to impreſs all ſuch Armes and Amunition as I ſhall have occaſion to make uſe of and that ſhall at thoſe times be found in the Country—notwithſtanding the aforeſaid Law prohibiting the Impreſſing of Armes becauſe as is ſaid before no order can contradict an Act of Affembly—

And I propoſe further by the advice aforeſaid that the ſaid Armes and Amunition So impreſſed ſhall be paid for by the publick and after the Service is over for which they were impreſſed ſhall if then in being and not ſeized by the Enimye be put into Some Magazine for the Countrys Service

ffr. Nicholſon

Reſolved That the Houſe will to morrow morning at nine a Clock take into conſideration his Excellencys Speech and Propoſitions—

And then the Houſe adjourned til to morrow morning nine a Clock—

Tuesday September the 23rd 1701.

THE Houſe (according to order) p^rceeded to the conſideration of his Excells Speech and propoſitions of Yeſterday and after ſome time ſpent therein

Reſolved That the Houſe do forthwith reſolve it Self into a Committee of the whole Houſe to take into conſideration his Excells ſaid Speech and propoſition

And accordingly the Houſe reſolved it Self into a Committee of the whole houſe to take the Same into conſideration and after Some time Spent therein, M^r *Speaker* reſumed the Chaire and M^r *Cary* reported that the Committee had gone thorow the ſaid Speech and propoſitions and and agreed upon Severall reſolutions which he read in his place and afterwards delivered in at the table where they were againe read and agreed to by the houſe with the alteration and Addition of a few words and was as followeth

Reſolved—That an Addreſs of Thanks be made to his Excelly for the great Zeal he has been pleaſed to Expres for the proſperity peace and defence of this Dominion—

Ordered That it be referred to the Committee for Publick Claimes to prepare an bring in the ſaid Addreſs

Reſolved That it is the opinion of this Houſe That ſufficient Armes and Amunition may be had within this Country for the defence thereof upon any Extraordinary occaſion and therefore not neceſſary to raiſe a ſfund for providing a Publick Stock of Armes and Amunition—

Reſolved That a Bill be prepared for aſcertaining the Officers and Soldiers pay which may happen to be raiſed for the defence of the Country before the next Seſſion of Affembly—

Ordered

Ordered. That it be referred to the Committee of Propositions and Grievances to prepare and bring in a Bill accordingly—

Ordered That it be an Instruction to the said Committee in preparing the said Bill to insert a Clause that Horses actually killed and Armes actually lost and spoylet in the Service of Warr shall be paid for by the Country.

Resolved. That it is the Opinion of this House That his Excells Proposition for buying of what Armes & Ammunition is at present in the hands of the Merchants will be answered by a Liberty to impress Armes and Ammunition upon Extraord^y occasions—

Ordered That it be an Instrucion to the Committee for Propositions and Greivances to whom it is referred to prepare and bring in a Bill for ascertaining Officers and Soldiers pay &c to insert a Clause in the said Bill requireing Command^{rs} to take perticular care that the Laws relateing to the Militia be put into due Execution So that the Soldiers under their respective Commands provide themselves with Armes and Amunition according to the same—

Resolved That it is the Opinion of this House That it is not necessary that the Country should be at the Charge of Muster Masters but that it is the duty of the Severall Officers in the Militia duely to Exercise their respective Troops and Companys and to take care that they be provided with Armes and amunition and to render an acco^t thereof to his Excelly from time to time as they shall be required.

Resolved That his Excelly be impowered with the Advice of the Council upon any Alarm, Surprize, Infurrec^on or Invasion to cause Armes or Ammunition to be impressed for the defence of the Country having due regard to the frontiers both by Sea and Land—

Resolved That where Armes shall be impressed in the Cafes aforesaid the Owner of the Armes when the Expedition is over shall have his choice to take his Armes againe or to be paid for them by the Publick *viz*^t After the rate of thirty five $\frac{7}{10}$ Cent. upon the first cost in the Shopp keepers note exprest or if purchased in the Country what they cost there to be proved by oath of the Party Claiming in the Court of the County where he lives

And then the House adjourned til to morrow morning nine a Clock—

Wednesday September the 24th 1701

MR Cary from the Committee of Publick Claims to whom it was referred to prepare and bring in an Addres of Thanks to his Excelly for the great Zeal he has been pleased to expres for the prosperity defence and Security of this Dominion reported the Addres which he read in his place and afterwards delivered in at the table—

Ordered That the said Addres do lye upon the table—

Mr Leigh from the Committee of Propositions and Greivances to whom it was referred to prepare and bring in a bill for ascertaining the Officers and Soldiers pay which may happen to be raised for the defence of the Country before the next Session of Assembly reported that the said Committee had prepared a bill accordingly and had intituled it a bill Levying and Arming an effectual force in time of danger and then he presented the Bill at the table where being read the first time

Ordered the said bill be read y^e Second time in the afternoon

Then the Addres to his Excelly reported by Mr Cary was read at the table and agreed to by the House without any Amendment being as followeth

To his Excell^y Francis Nicholson Esq^r his Majestys Leiv^t and Govern^r Gen^l of Virg^a

The humble Addres of the House of Burgeses—

May it please yo^r Excell^y

Wee his Majestys most Loyal & dutifull Subjects the Burgeses now assembled beg leave to render our most hearty and unfeigned Thanks for the great Zeal yo^r Ex^{ty} in your Speech on the 22th Instant was pleased to Expres for the Safety wellfare and prosperity of this his Majestys most antient and great Colony and Dominion—

Wee

Wee have had so many Publick instances of yo^r Excellis Sincerity and affection towards it by your Studies and Actions that it would be a token of the greatest ingratitude to bury those Acknowledgments in Silence which we justly owe to the happiness we enjoy under yo^r Excellleys Government and that free and open Communicacōn y^r Excellly is pleased to favour us withall in imparting your owne Sentiments and in A Candid acceptance of our Endeavours—

This Consideration (S^r) makes us proceed with cheerfullness and Emboldens us on all occasions not only to lay before your Excellly the fruites of our debates but to hope for a favourable Construcōn therevpon that wee Act with an honest intention and with respect to the wellfare of this colony by the best and easiest wayes we can think of—

And upon this Account we presume to acquaint yo^r Excellly that upon inquiry amongst our Selves it doth appear to us that Armes and Ammunition may be had within this Colony Sufficient to defend it upon any Extraord^y occasion and that for this reason we think it not convenient at p^rsent to raise a new fund for a further Supply which considering our Circumstances cannot be done without a greater burthen then the Country is able to bear

But to the end there may be a free Access to the Armes an[d] Amunition within the Country as occasion requires Wee have ordered a bill to be drawne for levying and Arming an effectuell fforce in time of danger wherein it will be lawfull to impress any Armes and Amunition that may be wanted upon an Emergency and by this meanes we conceive yo^r Excells propofalls of buying vp the Armes and Amunition in the merchants hands will be also answered—

Wee have farther in the said Bill directed what pay shall be allowed the Officers and Soldiers which may be Levyed by virtue of the Trust reposed in your Excellency and also agreed upon Severall other Clauses to be inserted therein touching your Excells propofalls and for inciteing the Officers of the Militia hereafter to be more carefull that the Laws concerning the Militia be put into Effectuall Execution—

But forasmuch as we conceive it to be a duty incumbent on the Officers of the Militia duely to Exercise their respective Troops and Companys and to take Care their Soldiers be furnished with Armes and Amunition according to Law and to returne accounts of their proceedings to your Excellly as often as they shall be required— we are of Opinion that the Charge of perticular Muster Masters in each Neck may be saved

Wee humbly crave yo^r Excells further patience concerning the premisses til our Bill for Levying and Arming an Effectuall fforce in time of danger be made ready which we intend to dispatch with all convenient Expedition and then wee hope yo^r Excellly will receive absolute Satisfaction and concurr with us in it. and so bring this Session to a Speedy and happy conclusion—

And now may it please yo^r Excellly.

Wee have nothing further to add but our Sincere Prayers for yo^r Excells Preservation health and Prosperity and to assure you that vnder the dependance of Gods Assistance and the help of your Excells known valour and Conduct wee shall cheerfully on all occasions Expose our lives and fortunes for the Sake of our Religion for his Majests Service and for the defence and Security of this Colony—

Resolved That the said Addrefs be presented to his Excellly by the whole House—

Ordered That the Committee who p^rpared the said Addrefs forthwith wait upon his Excellly to know his pleasure when the House shall attend him with their Speaker to present the said Addrefs—

And they being returned. M^r Cary acquainted the House that they had been with his Excellly to know his pleasure when he will be attended by the House to present their Addrefs and that his Excellly was pleased to Say presently if the house pleases

And thereupon the House immediately went to attend his Excell^y

And being returned M^r Speaker acquainted the house that he had presented the Addrefs to his Excellly and according to the best of his remembrance repeated what his Excellly was pleased to say therevpon—

And then the House adjourned til One a Clock in the afternoon—

Post Meridiem

A Bill for levying and Arming an Effectuall force in time of danger being according to the Order in the morning read the Second time

Ordered That the said Bill be ingrossed and read a third time

An Ingrossed Bill intituled *an Act continuing the Acts laying Impositions upon liquors Serv^{ts} and Slaves until the twenty fifth of December 1703* was by M^r Wright returned from the Council agreed to without any amendments—

An Ingrossed Bill intituled *an Act giving further directions in building the Capitol and for building a Publick prison* being returned from the Council by M^r Wright and with it Proposals of severall Amendments to be made therein which if the house should agree to the Same the Council would agree to the Bill—

The said amendments were read and agreed to by the House and incerted in the Bill accordingly—

Ordered That M^r Leigh, M^r Corbin, M^r Beverley, M^r Bland, M^r Hobson, and M^r Gough carrye back the said Bill to the Council for their view that amendm^{ts} are made therein according to their proposition—

And they being returned M^r Leigh acquainted the House that they had delivered the said Bill to the Council—

An ingrossed Bill intituled *an Act for quieting the possessions of severall persons Seated within the Bounds of the Land laid out for the Pamunkey Indians* was by M^r Wright returned from the Council without any Amendments—

A Resolve of the house for putting the Sume of two hundred Eighty three pounds five Shillings into the hands of the Trustees of the City of *Williamsburgh* for payment of the Severall Proprietors concerned in the Lands taken vp for the said City was by M^r Wright returned from the Council agreed to

A Message from his Excellency and the Council by M^r Wright
Mr Speaker and Gent^{ls} of the house of Burgeesses

I am ordered by his Excellency and the Council to acquaint you that the Resolve of this House wherein you say that this Country is not of ability to build any fortifications and that if it were the benefit would not countervail the Charge is not a full answer to the message Sent from his Excellency and the Council which requires the Opinion of the house concerning a Navall force whether that is any Security and defence to this Country as well as concerning Land fortifications both which were contained in the paper then sent to the house—

Ordered That the consideration of the said message be referred til to morrow morning—

A message from his Ex^{cy} by M^r Wright
Mr Speaker and Gentlemen of the House of Burgeesses

I am commanded by his Excellency to acquaint this House that the order of this House concerning his Excellency's fifth proposition is not a full Answer for that Proposition never intended that what is therein mentioned should come in at the Country Charge but that the house might joine in an humble address to his Majesty That two Engineers or fire masters well skilled to manage Mortar peices Granadoes and fireworks of Warr may be sent hither with all materials for that purpose wth Granadeer Armes and as is in another paper laid before the house hand mortars and Granadoes Suitable and fitt for them with pistoll Powder and Pistoll Bullett all which is by his Excellency and the Council thought to be much for his Majestys Service and Interest in the Safety and Security of this Country

Ordered That the consideration of this message be referred til to morrow morning—

A Message from the Council by M^r Wright
Mr Speaker and Gent^{ls} of the House of Burgeesses.

The Council having now und^r their consideration the two Addresses made by this house to his most sacred Majestye dated the Eighteenth Instant to both which this House prays the Councils Concurrence

Do desire an immediate free conference may be thereupon had by three of their Members and such a convenient number of Burgeesses as the House shall think fitt to be held

held in the Council Chamber it being in their apprehension the shortest way to come to a Conclusion in those affaires—

Resolved That the House doth agree to the Conference

Ordered That Managers be appointed for the said Conference. And managers being accordingly appointed *viz*

Mr Leigh Mr Bland

Mr Corbin Mr Hobson

Mr Beverley Mr Gough

they were ordered forthwith to attend the Conference

And being returned — Mr Leigh reported the Subject matter of the Conference and the propofalls made by the Council therein—

Ordered That the said Managers do forthwith go to the Council and acquaint them that this house having formerly resolved that the Address to his Majesty should be large and containe all necessary Clauses for his Majesties full information they cannot alter that method

And they being returned Mr Leigh acquainted the House that they had so done—

A Petition of *Henry fforty* Command^r of the Sloop *Neptune* referred by his Excellency and the Council to this House was read and the same praying a Spetiall permitt notwithstanding the Imbargo may be granted him to Sayle for reasons laid downe in the said Petition—

Ordered That the said Petition be rejected.

A Petition of *Johnathan Gladman* Command^r of the *Shrewsberry* Gally referred by his Excellency and the Council to this House was read and the same praying a Spetiall permitt notwithstanding the Imbargo may be granted him to Sayle for reasons laid down in the Petition—

Ordered — That the said Petition be rejected

The Clause of a letter sent from his Excellency *Nathan^r Blackston* Esq^r his Majesties Captaine Generall and Governour in cheif of his Majesties Province of *Maryland* to his Excellency *ffrancis Nicholson* Esq^r Govern^r of this Colony being referred to this house

The said Clause was read as followeth—

I find your Assembly ftill fitting I should be glad to heare they give a ready compliance to the paying the money his Majesty has required for *New York* for if it should not be done in *Virginia* I doubt it will make our Assembly here boggle for they are glad to take hold of any Example when it is to save their money

A motion being made and the question put

That an Ingrossed bill intituled *an Act for levying and Arming an Effectuall force in time of danger* be forthwith read the third time

Resolved— In the affirmative

And accordingly the said Bill being read the third time—

Resolved. *Nemine Contra Dicente*

That the Bill do Pass—

Ordered That the Managers of the Conference with the Council forthwith carrye the said Bill to the Council and desire their Concurrence thereto—

And they being returned. Mr Leigh reported that they had been with the Council delivered the bill and desired their Concurrence thereto—

And then the House adjourned til to morrow morning nine a Clock.

Thursday Septemb^r the 25th 1701

THE House according to order took into consideration the message from his Excellency and the Council Yesterday and therein having Spent some time

Resolved That It is the Opinion of this House That a Navall force is the best way to defend and Secure this Country from an Enimye by water but that the Charge of maintaining it will be altogether insupportable to this Country.

Then

Then (according to order) the House took into consideration the message from his Excellency Yesterday and therein having Spent some time

Resolved That It is the Opinion of this House That it is not convenient at this time to address his Majesty concerning the matters contained in his Excellency's fifth Proposition—

Ordered That Mr Harrison, Mr Robinson, Mr Butt, Mr Marrable, Mr Ball and Mr Bray forthwith carrye to his Excellency and the Council a Copy of the Resolve of this House upon their message Yesterday as an answer to the said Message and that they also carrye to his Excellency a Copy of the Resolve of this House upon his message Yesterday as an Answer to the said message—

And they being returned Mr Harrison acquainted the House that they had delivered both the said Resolves according to the directions of the House —

Mr Wright from the Council brought into the House an Ingrossed Bill intituled *an Act giving further Directions in building the Capitol and for building a publick prison* and acquainted the House that the Council did agree to the same with the Amendments therein incerted—

A Message from the Council by Mr Wright
Mr Speaker

I am ordered by the Council to acquaint this House that they desire the Conference which was held Yesterday may be continued with those members of the Council which were then upon it and that the said Conference be now further held upon the same Subject and in the same place

Ordered That the Managers appointed by this House do forthwith withdraw and attend the Conference accordingly.

And they being returned Mr Leigh reported the Subject matter of the Conference and severall heads which were taken in writing at the same time were read

And then the House adjourned til to morrow morning nine a Clock —

Fryday September the 26th 1701

A WRITTEN Message was sent to the Council by Mr Joffter Mr Robinson Mr William Cary and Mr Wescomb as followeth —
May it please yo^r Hon^{rs}

Wee have no manner of business before us and the House grows thin by Sicknes, we have long been in Expectation of the returne of the book of Claimes which was sent to yo^r Hon^{rs} on the tenth Instant if any other affaire has retarded that wee begg leave to acquaint you that we conceive it will be most for the Countrys Ease and Service to dispatch it first in regard when the Claimes are settled the Levy may be proportioned. In the same time yo^r Hon^{rs} take to consider other matters and in which wee have nothing else to doe and by that meanes this Session may come to a Conclusion a day or two sooner which considering the long time it has held will be very gratefull

And they being returned Mr Joffter acquainted the House that they had delivered the said message to the Council—

A Petition of Mr Rodham Kenner and Mr Nathaniel Harrison Members of this house was read complaining that James Twyford last night had given them Scurrilous and provokeing Language challenged them to fight and called the Burgesses a parcell of pittyfull inconsiderable Rascalls in breach of priviledges of this House—

Resolved. That the uttering and declaring such words as are recited in the said Petition and challenging Members of this House to fight is a breach of Priviledge—

Ordered That James Twyford be forthwith sent for in custody of the Messenger to answer the Complaint of Mr Rodham Kenner and Mr Nathaniel Harrison Members of this house against him for breach of Priviledge—

The House being informed that the messenger attended at the door with James Twyford in his Custody—

Ordered That James Twyford be forthwith brought to the bar of the House by the
Messenger

Messinger to answer the Complaint of M^r Rodham Kenner and M^r Nathaniel Harrison against him for breach of Priviledge—

And accordingly *James Twyford* was brought to the barr and being heard what he had to say in defence or Extenuation of what was alledged against him he was remanded back and the House took the complaint against him into consideration and therein having spent some time

Resolved That it doth appear that *James Twyford* the last night did give Scurrilous and provokeing Language unto M^r Rodham Kenner and M^r Nathaniel Harrison Members of this House, that he did challenge them to fight and did utter and declare Severall Scandalous Expressions against the Burgeesses in breach of the Priviledges of this House—

Ordered. That *James Twyford* for his Severall abuses to the Members of this House in generall do on his bended knees acknowledge his Offence and begg the pardon of this house in Such words as shall be appointed and that for the Scandalous reflections he vsed towards M^r Kenner and M^r Harrison Memb^{rs} of this House he ask their forgiveness in perticular and that he remaine in the Messingers Custody til further order.

Then a certaine form of words being prepared *James Twyford* was brought againe to the barr and acquainted with the resolution of the House to which he Submitted and accordingly upon his bended knees did declare and pronounce the words following—

I *James Twyford* do acknowledge that last night I did not only abuse M^r Rodham Kenner and M^r Nathaniel Harrison worthy Members of this Worshippfull House by divers vnbecomeing and Grofs words and Speeches not fit to be repeated but did then also utter and declare Severall Expressions against the Hon^r of the Members of this House in generall of which having now a deep Sence and abhorrence and out of a true and unfeigned Sorrow and repentence for the same I do humbly on my bended knees begg the favourable Censure of this Worshippfull House and that this House will be pleased to accept of my hearty contrition and promise for the future to behave my Self with all due reverence towards the Representatives of this his Majesties most antient Colony and Dominion

James Twyford.

And thereupon being remanded and withdrawn

Ordered That he be discharged out of Custody paying fees

A Message from the Council by M^r Wright—

M^r Speaker.

I am ordered to acquaint this House that the Council having now the book of Claimes under their consideration desire the House to send them all the Papers relateing to the Claimes of *William Holt*, *Richard Joffaker* and *Samuel Tod* of *Stafford County*—

Ordered That the Clerk of this House forthwith deliver to the Clerk of the Council all the Papers relating to the Claimes of *William Holt*, *Richard Joffaker* and *Samuel Todd*

A Message from the Council by M^r Wright

M^r Speaker

I am ordered by the Council to acquaint this House that the Council do agree to the Severall proceedings of this House concerning *Black water* and *Pamunkey Neck Lands* Excepting only the last Clause in page the 6th and the Resolve therevpon in page the 7th which they take to be a Decision in Matter of right and not hearing any of the Argument vsed and laid downe cannot determine the point therefore propose that they should be Expunged

Resolved That the House doth adhere to their resolve mentioned in the said message—

Ordered That a Suitable message in writing representing the Grounds and reasons for makeing the said Resolve be sent to the Council and that it be referred to M^r Leigh, M^r Cary, M^r Beverley and M^r Bland to prepare and report the same.

A message from the Council by M^r Wright

M^r Speaker

I am ordered to acquaint this House that the Council do agree to the Resolves of this House of the third the fifth and the ninth Instant relateing to the Revissall of the Lawes with this following Addition

That

That in case either of the Assistants or Clerk should dye or be incapable to perform and finish the same, that then he be considered and paid proportionable for the Service he hath done and that whosoever shall finish the same shall be allowed and paid the remaind^r

Resolved That the House doth agree to the said Addition and that it be added to the Resolves of this House relating to the Revivall of the Lawes—

A Message from the Council by M^r Wright

M^r Speaker

I am ordered by the Council to acquaint this House that the Council do assent to the Book of Claimes Provided the Summe of One hundred forty Six Pounds Eight Shillings and three pence *Sterling* formerly laid before this House paid by M^r Auditor Byrd for Severall Disbursements and the Summe of Sixty three pounds *Sterling* paid to M^r Henry Tyler for Sixty three acres of Land adjoining to the City of *Williamsburgh* to the Lotts assigned for the Govern^rs House be thereunto added—

Resolved That the House cannot agree to the Proposals of the Council for adding the Summe of One hundred forty Six pounds Eight shillings three pence *Sterling* and the Summe of Sixty three pounds *Sterling* to the Book of Claimes and therefore desire their Hon^{rs} will be pleased to pass the same without the said Additions—

Ordered That M^r Harrison, M^r Butt M^r Ball and M^r Westcomb carrye a Copey of the said Resolve to the Council and also the Resolves of this house relating to the revivall of the Lawes for their view That the House hath agreed to and added the Clause proposed by their Hon^{rs} to the same

And they being returned M^r Harrison acquainted the House that they had delivered the said Papers to the Council

And then the House adjourned til to morrow morning eight a Clock

Saturday September the 27th 1701

THE resolves of this House of the third the fifth and the ninth Instant relating to the Revivall of the Lawes were by M^r Wright returned from the Council agreed to

An humble Address representing to his Majesty that M^r William Byrd Jun^r is appointed Agent for this Colony &c was by M^r Wright returned from the Council agreed to without any amendments and is as followeth—

To the Kings m^{ost} Excell^t Majesty

The humble Address of the Council and Burgeesses of the Gen^l Assembly. in Virginia.

Wee your Majestys most Loyall and dutifull Subjects The Council and Burgeesses of this present generall Assembly do in all humility begg leave to Represent to your Majesty That wee have appointed M^r William Byrd Jun^r our Agent to present an humble Address to your Majesty and to attend and receive your Commands thereupon and wee further presume to Supplicate that your Majesty will be gratioously pleased to admitt him to do the same and to Sollicite those affaires (before your Majesty or elsewhere as your Majesty shall direct) which we have committed to his Charge

And as in duty bound we shall ever pray for your Majestys long and happy reigne over us—

An humble Address representing to his Majesty the Case between this Government and *New York* was by M^r Wright returned from the Council and M^r Wright acquainted the House that the Council did agree to the same with Some Amendments therewith sent

And the said amendments being read the same was agreed to by the House and made in the Address as followeth—

To the Kings most Excell^t Majesty

his Exc^t Francis Nicholson Esq^r Your Majestys Leiv^t and Govern^r Gen^l of this your Colony and Dominion of *Virg^a* having laid before us yo^r Majestys most dutifull and Loyal Subjects the Council and Burgeesses in the Gen^l Assembly of your Colony and

Dominion

Dominion of *Virginia* now convened your Majestys Letter Dated at your Court at *Hamp-ton* Court the nineteenth day of *January* in the twelfth year of your Reigne in these words. Whereas it is requisite that the Generall Security of your Plantacons upon the Continent of *America* be provided for by a Contribution in proportion to the respective abilities of each plantacon And whereas the Northerne frontiers of our Province of *New York* being the most exposed to an Enimye do require an Extraord^y Charge for the Erecting and maintaining of fforts necessary for the defence thereof towards which wee have lately been gratioously pleased to give the Summe of two thousand five hundred pounds *Sterling* and have also directed that our said Province of *New York* should exert the utmost of their power in provideing for these and the like occasions but it being yet further needfull that our other plantations and Colonys on that Continent do also contribute to so great a work wherein their owne Security is so much concerned Our will and pleasure is that you Signifie to our Council and the General Assembly of our Colony of *Virginia* that the Summe which we have at present thought fit to be contributed by our said Colony in proporcon to what we do now in like manner direct to be Supplied by our other plantations towards the ffortifycacons on the ffrontiers of *New York* is nine hundred pounds *Sterling* and You are accordingly in our name to recommend to them that they furnish the Said Summe of nine hundred pounds *Sterling* and further to take care that the same be remitted for the vse aforesaid to Such person or persons as the Earl of *Bellomont* or the Command^r in cheif of our Province of *New York* for the time being shall appoint to receive the same And in case the ffrontiers of our said Province of *New York* be at any time invaded by an Enimye You are also upon the applycation of the said Earl or the Commander in cheif of the said Province for the time being immediately to furnish a Quota of men or money in lieu thereof from our Colony of *Virginia* according to the Repartition herewith sent you And you are withall to Signifie to our Council and the Gen^l Assembly of *Virginia* that according to their behaviour in this Occasion they will recommend themselves to our Royall Grace and favour

In answer thereto wee begg leave in all humility to represent to your Majesty that we are Exceeding Sencible of your Majesties Care as of all yo^r Dominions in Generall So P^ticularly of your *English* Subjects Seated on the Continent of *America* and do very thankfully acknowledge the same That with Equal Gratitude Wee take notice of your Majestys Justice and Goodness to us in proceeding with us in so Parliamentary a way whereby we have the Opertunity of representing yo^r Majesty the State and Condition of this Country as well as the Province of *New York* who have been beforehand with us in representing their Dangers and in Interposeing for the Assistance of your Majesties authority towards the procureing a Contribution for fforts in their ffrontiers — Wee would humbly pray your Majesty to consider that this is not the first time they have attempted such a Contribution it being a designe of a great many yeares standing which they have all along vigorously prosecuted. And that after the utmost care which has been taken by us of this Governm^t to inform ourselves of the true intent of such fforte and Contribucons p^ticularly by sending an Agent to consider and treat of that matter with the Agents of your Majestys other Dominions on this Continent in the year 1693 we cannot find to this day that there is any more at the bottom of it than an Intention in them to Secure to themselves the Command of the whole trade with the Northerne Indians for beaver and Dear skins—

We likewise desire your Majesty to consider that a Letter of the like nature with this was sent by her late Majesty of blessed memory to S^r *Edmond Andross* our then Governour and by him laid before the Generall Assembly of this Country in the yeares 1693 and 1695 by which Letter it is plaine that it was obtained by the Representacon of the Government of *New York* And we humbly begg leave to referr ourselves to the proceedings of those Assemblys and to the many good reasons by them offered why this Country ought not to be burthened with any such Contribution — And yet so great was the regard they had to yo^r Majesties Interpolation in that affair that purely to Signifie their Compliance with your Majesty and in hopes to gett rid of all trouble from the Solicitations of *New York* concerning the like Contributions for the future the Assembly of the year 1695

advanced

advanced to your Majesty for their use the Summe of five hundred pounds tho' at the same time they were utterly unsatisfied both as to the pretended wants and dangers of *New York* and their owne Obligations and Abilities to releive them and were Sufficiently Exposed to the hard Censures of the People who generally Exclaimed against them for affording even that small Assistance—

As to what is hinted in your Majesties letter that *New York* is most immediately Exposed to danger and that in their defence our Security is very much concerned. Wee humbly begg leave to lay before your Majesty that we conceive our Selves to be every way as much Exposed both to the *French* and Indians as there are great Nations of Indians to the South and West daily infesting our open frontiers and even the Northerne Indians from the Lakes and other places on the back of *New York* passing farr wide of them as being already well guarded by your Majesties fforts and Garrisons and falling upon us who are naked and defenceless and Scattered about in remote and seperate Plantations, the *French* also on the Lakes on the River *Mesha-shippi* and on the North side of Cape *florida* (where we are just now informed of their late Settlement by a Gentleman of good Credit arrived here from *South Carolina*) having a very easie passage to us, besides that, we live in the way of their Shippes as they sayle from the Gulf, and the Government of *New York* is no more a Barrier to defend us from any of all these Enimys then then we are to them and of the two they are the much more able by reason of their Cohabitation richer trade and more plentiful Estates to afford contributions to the other Our Estates arising purely from our hard labour in making Tobacco the profit wherof is Exhausted by Customs and Impositions that amounts to three or four times the price of the first Cost we have for it, the lasting cause of the Poverty of this Country particularly at the time of receiving this your Majesties letter wee were actually engaged in so many publick and chargeable undertakings the building of our Assembly and Court Houses The Revissall of our Lawes the paying for the land of the City of *Williamsburgh* besides the great Charge of the Pyrates which we had lately undergone that before we received these your royall Comands we had addrest your Majesty for some Assistance out of the Quitt Rents to help us to defray the Charge of what we had even then undertaken and we are now contriving how to defend our own open frontiers by Sea and land in case of this Impending Warr with the *French* and *Spaniards* for which it will be a very hard matter to find out the wayes and meanes All funds being already So much Exhausted that we have laid taxes upon our very Servants and Slaves to defray our present Engagements And it will appear upon an impartiall consideration of the number of our fire men and the account of our armes compared with the largeness of the frontiers we have to defend that we are as weak in men and Armes as we are poor in money — And that your Majesty may have the truest and best account we can give of the Evill consequences of detaching Such a Quota of men out of this Country as is mentioned in the repartition we humbly offer to your Majesty the following considerations

1. Not to insist upon the Charge and Difficulty of transporting and marching the men Such a long way thro' Countys intangled with great Rivers Swamps Woods and Marshes and that they will probably come too late for the Assistance of *New York* in case of an Invasion) we think it is worth the considering that for every man carried out of *Virginia* tho' it were but for three months in the yeare (and if carried to *New York* it will not be for a less time) your Majesty will loose at least twenty pounds *Sterling* per man in the annuall Customs which his labour in Tobacco would produce over and above the charge of his transportation pay and Subsistance

2. That upon the first notice of such a detachment to make we are Senceible considering the dissatisfaction of the Country on that account that it is to be feared most of the Single men and poorer Sort of House Keepers will remove themselves into the neighbouring Government of *Carolina* or elsewhere, where there is no Quota of men required a thing very easie to be done and now daily put in practice by Servants and Bankrupts and others under vneasie Circumstances. And wee cannot conceive but that by this meanes at least treeble the number of men will be lost to this Country over and above the Quota required

3. From hence it will follow that the men to be detached must be free holders and housekeepers and that in their absence their Servants and Slaves will not make above half the Crops of Tobacco they now make which will lessen your Majestys Revenue more then all the rest

4. And we are further apprehensive this will be attended with another pernicious Consequence viz^t That between the *French Spanish* and Indian Enimies without and the unruly Servants & Slaves (in their masters absence within) and the loss of so many men sent to *New York* and so many more who shall have removed themselves out of the Country. The Country itself will be so Exposed that it will be hardly able to defend it Self and so will become an Easie Prey to an Enimye

5. And if this Country is once lost *Maryland* must run the same fate as having all its trade thro' our Capes and consequently at the discretion of the Conquerors of this Country.

Wee would humbly represent to yo^r Majesty that the Trade of *Virginia* and *Maryland* is of far greater Consequence to your Majestys Revenue then *New York* were it vastly better then it is

All which wee most humbly Submit to your Majestys Consideration hoping upon this true Representation of our case Your Majestye will in your great wisdom judge our Condition to be such that we are in more want of assistance our Selves then capable [capable] of affording it to others and out of your wonted goodness will be gratioously pleased to Supercede your Commands for any Supply of men or money to *New York* from this your poor Country And as the Council and Burgeesses the Representatives thereof who as in duty bound shall ever pray for your Majestys Victory and Success over all your Enimies and long and prosperous Reign over us.

May it please yo^r Majesty

y^r Majestys

Most Loyall

Dutifull

and Obed^t

Subjects

Ordered That the said Address be fairly transcribed according to the Amendments—

A Bill intituled *an Act for levying and arming an effectuall force in time of danger* was returned from the Council by M^r Wright and with it proposalls for Severall Amendments to be made therein which if the house should agree to the Council would agree to the Bill

And the said Amendments being read part thereof were agreed to and part disagreed to

Ordered That a written message be sent to the Council to acquaint them how far this house doth agree to the Amendm^{ts} proposed by them to the Bill intituled *an Act for Levying and Arming an effectuall force in time of danger* and wherein this house cannot agree together with the reasons for the same and alloe to desire their Hon^{rs} to Concurr with the House in passing the said Bill with Such amendments only as the House can agreed to—

Ordered That it be referred to M^r Beverley. M^r Bland M^r Harrison M^r Robinson and M^r Kenner to prepare and report the said message—

M^r Leigh from the persons to whom was referred to prepare a Suitable message in writing for representing to the Council the Grounds and reasons that moved the house to make their resolve for Division of certaine land in *Pamunkey* neck between *John Buckner* and *Chicheley Corbin Thacker* reported the message which he read in his place and afterwards delivered in at the table where the Same was againe read and agreed to by the house being as followeth—

In answer to your Hon^{rs} message of Yesterday that the Severall proceedings of the House of Burgeesses concerning *Blackwater* and *Pamunkey* neck lands be agreed to by yo^r Hon^{rs} Except only the last Clause in Page 6. and the Resolve thereupon in Page 7 because you take the same to be a Decision in matter of right and not hearing any of the Arguments vsed and laid downe you cannot determine that point and therefore propose that they be expunged—

We

We take leave to lay downe the State of Pretentions of *John Buckner* and *Chicheley Corbin Thacker* which is the contents of the said Clause and Page viz^t

The generall Affsembly in Anno 1699 having taken into consideration the Settlement of the Lands in *Pamunkey* neck concluded the methods of preference to all Claimes interfering one with another among which gave the preference to *Roger Thomas* and *Charles* three Sons of *Roger Malory* deceased of a certaine Tract of land in *Pamunkey* neck bounded as by deed and computed at about two thousand acres becaufe the said *Mallory* had given other lands in Exchang and also ordered that the Land so Exchanged by the said *Malory* should be confirmed to the *Chickahominy* Indians—

This when it came to be surveyed by virtue of an order of the Court appointed to Examine and Settle the Claimes to land in the said Neck according to the preference and Priority observed in the order and method of the ordinance of the said Generall Affsembly was found to be Six thousand One hundred and Sixty acres of land and all within the bounds of the deed first mentioned was purchased by *John Buckner* and was likewise found to include and take in a Survey made for *Chicheley Corbin Thacker* of three thousand five hundred Acres whereupon the Ordinance of Affsembly giving preference to the Claimes of the *Mallorys* menconing the quantity of about two thousand acres but bounded by certaine marks and bounds that Court referred it without determination—

This Affsembly taking the same into serious consideration in regard that the said Bounds included much more lands then the Affsembly in 1699 which made that ordinance could be Senceible of and in regard also that the said *Thacker* had been at severall Charges in the Survey not knowing the said land to be included in the others said pretensions thought it the best and most Equitable way to divide the same So that each Claimer may have a part vpon the Creek and becaufe of the said Ordinance to give the first choice to the said *Buckner*.

But for that Your Honours would have it Expunged becaufe you say it determines matter of right this House can no wayes agree thereto they being of Opinion that all the Opinions Orders and Resolves in these matters relate as much to the matter of Right as this they being to determine the Claimes Pretensions and Preferences to all lands there not Patented and to save vast Expences and Charges in Law about the same—And therefore desire yo^r Hon^{rs} Concurrence without Expugning the said Resolve—

Ordered That the Committee that prepared the said message forthwith carrye the same with the Severall Papers relating thereto to the Council

And they being returned M^r *Leigh* acquainted the House that they had been with the Council and delivered the said message and Papers

Resolved and accordingly Ordered

That M^r *Treasurer* out of the moneys in his hands from the Imposition upon liquors by the first conveniency remitt unto M^r *William Byrd Jun^r* our Agent in *England* the Summe of three hundred pounds *Sterling* to be employed and made use of as occasion requires in Solliciting our Address to his Majesty and in carrying on the business of the Agency committed to his Charge—

Ordered That the said Resolve be sent to the Council for their Concurrence

Ordered That M^r *Cary*, M^r *foster*, M^r *Maçon* and M^r *Armistead* do forthwith carrye the said resolve to the Council and desire their Concurrence thereunto and also acquaint the Council that this House doth agree to the Severall amendments proposed by them to be made in the Address for Rep^{re}senting to his Majesty the Case between this Government and *New York* and hath ordered the said Address to be fairly transcribed according to the amendments

and they being returned— M^r *Cary* reported that they had acquainted the Council accordingly and delivered the resolve and desired their Concurrence—

A message from his Excellency by M^r *Wright*

M^r *Speaker*

His Excellency commands the immediate attend^{ce} of this House upon him in Council in the Council Chamber and accordingly the house went to attend his Excellency —

And

And being returned— Mr *Speaker* acquainted the house That his Excellency was pleased to make a Speech and to deliver him a Copy thereof and with it some propofalls of his owne and some other propofalls by advice in Council together with another paper relating to the speech and then the said Speech and propofalls were read by Mr *Speaker* as followeth

Gentlemen

I am hearty sorry as I find by your Address to me of the Seventeenth Instant that you have in no wayes complied with his Majestys Royall Commands relating to the Assistance of money and men to be given to *New York* and what you offer for not doing of them I think is somewhat [strange] and as I conceive no wayes agreeable to his Majestys Royall Letter to me of the nineteenth of *January* 1701 which I gave the Honorable Mr *Speaker* as I do now some remarks and Propositions of his Majesties Hon^{ble} Council and my Self and of my self alone, and I should fail in my duty to his most sacred Majesty and in the Reall Intentions I have for the generall good and happiness (as farr as my power) of this his Majestys most antient and great Colony and Dominion of *Virginia* if I did not most cordially and Zealously recommend to you to find out Some Expedient how to answer his Majesties Royall and Paternall designs for the Security of all his Majesties Empire in this Continent of *America* and maturely to consider the last paragraph of his Majesties Royall Letter to me, if you should not agree upon it (which God forbid) it may be of fatall Consequence not only to this his Majestys Colony and Dominion but likewise to the rest of his Majesties Provinces on this Continent. for when our Enimye shall know it they will be the more Encouraged to attack his Majestys Province of *New York* and your Denyall of complying with his Majesties Royall Commands may have this very ill consequence with it that it may be a Preident to other his Majesties Provinces to do so to which to have an account of would be an Extraord^y trouble to me for If I could have my will you should be a Preident of Loyalty and duty to his most Sacred Majesty to all the rest of his Subjects on this Continent and I hope in God, you will be so not only in this but in all other affaires

Mr Speaker and Gent^{ls} of the House of Burg^{esses}

I should be guilty of ingratitude (which according to the Proverb I Esteem the worst of faults) if I did not as I do now give you my most hearty and vnfeigned thanks for your Address to me of the twenty fourth Instant wherein you say that you shall cheerfully on all occasions Expose your lives and fortunes for the sake of your Religion his Majestys Service and for the defence of this Colony. As also for your very Extraord^y kind and obligeing Expreffions relating to my Self which would make me (If I was able) most willingly to venture more then my life and fortune with you on the occasions for the same. And I most heartily and cheerfully joyne with you in your dependance upon Gods assistance for without that all Valour and Conduct will be Ineffectuall—

As for the thanks you are pleased to give me for my great Zeal (as you terme it) for the safety wellfare and Prosperity of this his Majesties most antient and great Colony and Dominion, what God almighty hath been pleased hitherto or shall Enable me to do with all Sincerity and affection towards it by my Study and actions. I esteem as a duty incombent upon mee but it is a very great Satisfaction to me that you accept thereof.—

I hope you have taken care that there be no Clause in your Bill for levying and Arming an effectuall force in time of danger which may be in the least Repugnant or Disagreeable to that Paragraph of his Majesties Royall Letter to Mee which you have concerning the furnishing a Quota of men for his Majesties Province of *New York*, nor to one of their Excellys the Lords Justices their Instructions to me, the Copy of which I gave yo^r Speaker

If you have not found a way to buy those armes and Amunition which were to be sold in the Country (an account whereof I gave you) I suppose that the Major part of them will be sent out of it and So may others that are brought in when there shall be the most occasion for them therefore to depend upon purchasing Armes and Amunition in the day when they shall be most wanted to make vse of against our Enimye I think is very disagreeable and repugnant to the art of warr in generall but more perticularly conconsidering

conconsidering our Circumstances the Inhabitants not liveing in Townes and having no fortifications but disperfed and having severall great and finall Rivers & Creeks to pafs and moft of them not well pvided to transport Horfe Dragoons, or even foot And if there fhould be Armes and Amunition tis probable they will be in Severall psons hands and that at great diftances So that before they can be gotten to a convenient place to Arm the men who are God willing to attack the Enimye, there will be Severall daies fpent, and to be ready with Troops well provided with Suitable Armes and Amunition in time is one of the moft effentiall things in Warr—

I am very glad that you have afcertaind the pay for Severall Officers and Soldiers, and that you have declared it to be a Duty incombent on the Officers of the Militia duly to Exercife their refpective troops and Companies and to take care their Soldiers be furnifhed with Armes and Amunition according to Law and to returne accounts of their proceedings to me as often as they fhall be required. And therefore I hope in God they will comply with thefe things—

I find by your Addrefs that you think it not convenient at prefent to raife a New ffund for another Supply of Armes and Amunition but I hope in God that you will not take it amifs if I propofe to you two wayes to raife a ffund either to give or lend his Majefty the Nine hundred pounds for *New York* and to have money in bank in part for buying the Armes and Amunition and paying the Officers and Soldiers as you have propofed in yo^r Bill And the Gentleman whom you have named to be yo^r Agent to wait upon his moft Sacred Majefty with your Addrefs and Inffruccons I fuppofe will not only Expect (and I think ought) to be fatisfyed for his trouble but alfo to be reimbursed what he fhall Expend in his Agency. ffor you have declared in yo^r Addrefs to me of the Sixteenth Instant that you are not in a condition to furnifh the nine hundred pounds confidering your publick payments &c And that the Country at this time is not in A Condition to undergo the Charge of building an houfe for the Governour, but that confidering the Debts and many publick Ingagements upon this Country you had agreed to renew the two Imppofition Acts for a year and half longer than the time they run for, So that what fhall be raifed by them you have already appropriated for the vfes aforefaid whatever moneys have been raifed upon thefe two Acts. you very well know hath been difpofed of according to them And I hope you dont in the leaft doubt if you find out any wayes and meanes or agree to my Propoficons or either of them, for raifing money by one or more Acts but that it fhall be likewise difpofed of according to the true intent and meaning thereof

Gentlemen

As you are pleafed in your Addrefs to me on the twenty fourth Instant to Exprefs the happinefs you enjoy in that free and open Communicacon which I vfe with you in imparting my owne Sentiments So I hope in God that what I now fpeak to you and give to the hon^{ble} M^r *Speaker* will be taken fo too and as proceeding from the fame reafons as I told you in two Paragraphs of my Speech to you on the twenty fecond Instant and you may be affured of a candid acceptance of your Endeav^{rs} and that I will put a favourable Confftruction upon the ffuites of your debates which you have and fhall lay before me—

And that we may be Enabled to proceed to act with all cheerfullnefs and honeft Intention in the difcharg of our duty to God. his majefty and with refpect to the welfare of this Colony by the beft and eafieft wayes we can think of As alfo to bring this Seflion to a Speedy & Happy Conffufion— and for the better accomplifhing of thefe moft weighty affaires. I hope you will moft heartily joyne with me in your fervent and devout Prayers to Almighty God.

At his Majts Roy^{ll} Colledge of W^m & Mary
this 27th of Sept^r 1701

ffr: Nicholson

Virginia fs.

The two wayes menconed in my Speech which I p'pofeto raife a ffund either to give or lend his Majefty the nine hundred pounds for *New York* to have money in bank in part for buying the Armes and Amunition and paying the Officers and Soldiers and your Agent are thefe—

1. I propose that six pence duty be laid upon each hhd of Tobacco Exported out of this Country for One yeare In his Majests Province of *Maryland* there was once paid half a Crowne a hhd and now it is two shillings and threepence if not more— and If such act be now passed I will lend the Country Six or Seven hundred pounds without Interest & give fifty pounds

2. And finding that this yeares publick Levye is not like to Exceed four or five pounds of Tobacco ~~per~~ Pole I propose that fifteen pounds of Tobacco per Pole be now levied and if this Act passes I propose to give fifty pounds more—

And his Majesties Shipp the *Lincoln* and his Majts Shipp the *Shorham* being (God willing) designed to sayle for *England* by the fiftenth of *October* next I propose the said Tobacco so raised may either be sold here or in each County for bills of Exchang which may be Sent by his Majests afore said Shippes to answer the end for which it is raised—

As to that part of your Address where you have Ordered the Summe of two hundred Eighty three pounds five Shillings *Sterling* to be put into the hands of the Trustees of the City of *Williamsburgh* for payment of the Severall Proprietarys concern in the land taken vp for the said City I am glad you have taken care to pay the money but considering that by the fourteenth Act of Assembly 1699 (which I have perused) it should have been paid the last Session of Assembly and conceiving (that being an Act of Assembly) this order is not of equall force with it It is therefore my Opinion and I do propose that the money be tendered to the Severall Proprietors or Owners with all Expedition—

Concerning the Act for quieting the possession of Severall Persons Seated within the bounds of the lands laid out for the *Pamunkey* Indians the same being Expressly contrary to the late Instruccions received from the R^t Hon^{ble} the Lords Comiss^{rs} of Trade and Plantations which have formerly been laid before the House and the 136 Act of Assembly in the printed book I am very sorry that I cannot pass it but if you will make an Address to his most Sacred Majesty for it from whom all Acts of Grace and pardon must immediately come. I will take care that it shall be sent and presented to his Majesty And til his Royall pleasure is therein further knowne they shall not be disturbed in their possessions provided they make no more Settlements nor any further Improvements but what is necessary—

As to laying open the Land upon the South side *Blackwater* Swamp and in *Pamunkey* Neck I was and (by Gods assistance) ever shall be very forward what in me lyes to advance his Maj^{ty} Interest and the good of this Colony, but to do Such a thing now I think it will prejudice his Majests Interest and the Safety and Security of this Colony by hindering the Settlements intended by the Act made for the better strengthening the frontiers and discovering the approaches of an Enimye but if you are of another Opinion when I have an account from the Surveyors what land there is and of what nature publick notice shall be given—

As to the Resolve of the house of the twenty fifth Instant that it is not convenient at this time to Address his Majesty concerning the matters mentioned in that proposition Sent by my Self and the Council wherein the house is desired to joyne in an humble address to his Majesty that two Engineers or firemasters for Warr may be Sent hither with all materialls for that purpose with Granadeer Armes, hand mortars and Granadoes Suitable and fit for them with Pistoll Powder and Bullets. I wish you may never live to see the time to say. You have now cause to repent that Resolve.

At his Maj^{ty} Colledge of *W^m & Mary* }
the 27th Sept^r 1701.

fr: Nicholson

Virginia ls.

And as to the Clause of your Address relating to *New York* that hath been fully considered And It is the Opinion of my Self and his Majests Hon^{ble} Council that whereas you say thosemisrepresentations were meerly to gaine a Contribution the better to Enable them (for Security of their Indian trade) to build forts the same is too Severe a Reflection there being no ground for the same Sett forth in his Majests Royall Letter dated nineteenth *January* 1700-1 delivered to the Speaker—

That

That as to the forts being no Security to this Colony It would have been much better to have said that forts on the frontiers of that Govern^t can be of no Security to this Colony to keep of the *French* and other Indians from invading us—

As to the Clause concerning the nine hundred pounds it would be well to be added in the Close of it having such larg[e] frontiers both by Sea & Land to be defended by our owne men and at our owne Charge—

As to that part of the Addresss where you speake that it is not probable that men can be sent from hence to *New York* in such time as to be Serviceable to that Province upon an Invasion It is the opinion of my Self and the Council that that Clause might better have been Omitted and left out

And where you say that it is not convenient to make any alteration in the bounds of Countys and Parishs already settled but when Rep^resentaⁿ is made that the Countys and Parishs are aggrieved. I must tell you that in many places it is necessary to be done and by advice of his Majests Honorable Council I propose to you that the same be recommended to the Committee appointed to revise the lawes—

As to that Clause concerning publick dispatch of Letters and the Settling of fierrys and Posts which you say you have committed to the Revisors of the Lawes it is of such absolute necessity for the Interest of this Country especially in those times of danger that I heartily wish it were now effected but since it cannot be done this Session I do with the advice afores^d propose that you order the same to be done by the Committee appointed to revise the Lawes that it be the first thing recommended to their Cares—

As to that part of your addresss relating to building a House for the Governour you must consider that by his Majests Especiall Instruⁿcons it has been often pressed unto you—and therefore by advice of his Maj^{ty}s Hon^{ble} Council I againe propose unto you that the Sum^e of Sixty three pounds in order thereunto be paid for the Purchase of Sixty three acres of land adjoyning to the Lotts laid out in the City of *Williamsburgh* and to be appropriated to that use—

As also the Sum^e of One hundred forty six pounds Eight shillings and three pence *Sterling* paid by Mr Auditor *Byrd* for Severall Disbursements or Charges which we are of the Opinion ought to be discharged by the Publick

At his Maj^{ty}s Roy^{ll} Colledge of *W^m & Mary* }
this 27 ofth Sept^r 1701 }

Jfr: Nicholson

Then the House proceeded to the imediate consideration of the said Speech and Proposals and having agreed upon Severall matters to be sent in answer thereunto by way of Addresss—

Ordered That it be refer^d to the Committee of Publick Claimes to prepare and report a Suitable addresss thereupon

Ordered That it be recommended to the Committee for Revifall of the Lawes in the first place to take into Consideration what relates to dispatch of publick Letters and the Settling of fierrys and Posts—

Ordered That the Trustees of the City of *Williamsburgh* do forthwith after the Sum^e of Two hundred eighty three pounds five shillings *Sterling* is put into their hands for payment of the Severall Proprietors concerned in the Land taken vp for the said City make a tender to each Proprietor of his Proportionall part thereof—

A Message from the Council by Mr *Wright*
Mr Speaker and G^{ntl}. of the house of *Burgeffs*

Wee have your Answer of this day to our Message of Yesterday that the Severall proceedings of yo^r house concerning *Blackwater* and *Pamunkey* neck lands were agreed to by the Council Except only the last Clause in Page 6 and the Resolve thereupon in Page 7. proposing they be Expunged And we have considered the State and y^e Pretensions of *John Buckner* and *Chicheley Corbin Thacker* as laid down by you We doubt not but that the house of *Burgeffs* hath maturely Examined and considered all matters relating to that affair but the same not having been argued before us we cannot give our Opinions or Concurr with your Resolves til a full hearing before us therefore propose
that

that the said Pretentions of the said *Buckner* and *Thacker* be referred to be heard before the Council the next Session of Assembly which being agreed to by the House of Burgeffes their Resolves relating to *Blackwater* and *Pamunkey Neck* lands are agreed to—

Resolved That the House doth adhere to the last of their Resolves concerning *Blackwater* and *Pamunkey Neck* lands for dividing six thousand One hundred Sixty acres between *John Buckner* and *Chicheley Corbin Thacker*—

Ordered That a Copy of this Resolve be carryed to the Council and that their Hon^{rs} be desired to pass all Resolves relating to *Blackwater* and *Pamunkey Neck* lands without any further Reference—

A message from his Excellency and Council by Mr *Wright*—
Mr *Speaker* and Gentl. of the house of Burgeffes

I am ordered by his Excellency and Council to acquaint this House that whereas a bill hath been prepared this Session of Assembly Entituled *an Act for the more Effectually apprehending an Outlying Negro who hath Committed divers Robberys & Offences* which Negro is since come in and Surrendered himself and is now here in Custody of the Sherrieff of *James City County*

The same is recommended to the House of Burgeffes for their Opinion what is to be done with him—

Resolved That it is the Opinion of the house That if one bill which hath passed the Council and Burgeffes this Session intituled *an Act for the more effectually apprehending an Outlying Negro who hath committed divers Robberys and Offences* be assented to by his Excellency it doth Sufficiently provide and direct what shall be done with the said Negro—

Ordered That Mr *Maçon*, Mr *Thacker*, Mr *Gough* and Mr *Wellburn* do forthwith carrye to his Excellency and the Council the aforefaid Resolve and that they also carrye to the Council the Resolve of this day concerning the Division of land in *Pamunkey Neck* between *John Buckner* and *Chicheley Corbin Thacker*—

And they being returned Mr *Maçon* reported they had delivered each of the said Resolves according to the Directions of the House—

Mr *Leigh* moving the house for leave to go to his owne house in the Country for recovery of his health leave was given accordingly—

And then the House adjourned til Monday morning eight a Clock—

Monday Septemb^r the 29th 1701

ORDERED That Mr *Westcomb* and Mr *Gough* do forthwith withdraw and Examine the following inrolled Bills viz^t

An act for strengthening the frontiers and discovering the approaches of an Enimye—

An Act giving power to the Sheriff attending the Generall Court to Summon Jurors and Evidences within the City of Williamsburgh and half a mile round the same—

And an Act for the more Effectually apprehending an Outlying Negro who hath committed divers Robberys and Offences—

And they being returned Mr *Westcomb* reported that they had Examined the said Bills and that they did agree with the Ingrossed Bills

Ordered That Mr *Westcomb* and the other persons appoint^d to Examine the said Bills carrye the same to the Council together with the Ingrossed Bills for their perusal and Satisfaction that they are truly transcribed in the Roll and they being returned.

Mr *Westcomb* acquainted the House that they had delivered the said Bills to the Council

Mr *Wright* from the Council brought back into the House the Inrolled and Ingrossed Bills lately sent them to compare one with the other—

A Message from his Excellency by Mr *Wright*
Mr *Speaker*

His Excellency commands the immediate attendance of this House upon him in the Council Chamber and that you bring with you the Bills that you have already prepared for his Excellency to pass.

And

And accordingly the Houfe went to attend his Excellcy

And being returned Mr *Speaker* acquainted the Houfe his Excellcy was pleafed to give his Affent unto three bills intituled as followeth—

An A^{ct} for ftrengthening the ffrontiers and difcovering the approaches of an Enimye—

An A^{ct} giving power to the Sherrieff attending the Gen^l Court to Sumon Jurors and Evidences within the City of Williamfburgh and half a mile round the Same. and

An A^{ct} for the more Effectuall apprehending an Outlying Negro who hath committed divers Robberys and Offences—

And afterwards to make a Speech of which his Excellcy was pleafed to give him a Copy and alfo the Copy of an Inftitution relateing thereunto both which Mr *Speaker* read the Speech being as followeth—

Gentlemen

I hope in God that both what I fpoke to you and gave to the Hon^{ble} Mr *Speaker* on *Saturday* laft as likewife what I propofe to you now will be taken by you as proceeding from my Duty in all refpects *viz*^t That you would moft maturely and Seriously confider the fatall and ill confequences that may attend all his Majefties Empire in this Continent of *America* in cafe that the *ffrench* fhould attack the Northerne ffrontiers of *New York* and take *Albany* and the parts Adjacent if which happen (but God of his infinite power prevent it) the five Nations of Indians muft of confequence Submitt to them And you cannot be vnfenceible that the *ffrench* have both in Warr and Peace vfed all wayes and meanes either to Subdue or bring over to their Intereft the faid five Nations who know the way into this Country and have very often done Murders and Robberys in it To prevent which an agreement was made with them by the R^t Honor^{ble} *ffrancis* Lord *Howard* of *Effingham* when he was his Majefts Leiv^t and Govern^r Gen^l here which is approved of by his p^{re}ent Majefty. And I now give Yo^r *Speaker* a Copy of one of my Inftitucōns concerning this Affair And I propofe that there be a Joint Committee of his Majefts Hon^{ble} Council and of yo^r Houfe to fee what hath been done with his Majefts Government of *New York* and thefe five Nations they may find the proceedings thereof in the Council books which fhall be given them—

Thefe five Nations in the laft Warr Expected releif and Affiftance from this his Majefts Colony and Dominion and if they fhould heare that *Virginia* hath refufed to affift his Majefties Province of *New York* for securing the Northern ffrontiers thereof (in which they live and which they look on to be for their owne prefervaçon) either with men or money it may be one principall reafon to caufe them to Submitt to the *ffrench* So if they did us damage when they were under his Majefts Government of *New York* when they came in Small partys which were not owned by the body of them, what Extraordinary Spoyle and ruine may they make when joyned with the *ffrench* either in a body of a thoufand or fifteen hundred or in partys of a hundred or two all which you muft know. therefore I pray God direct you in this and all other your debates and Con- fultations

At his Majefts Royall Colledge on the feaft }
of S^t Michael y^e Arch-Angell 1701 }

ffr: Nicholfon

Mr *Beverley* from the perfons appointed to p^{re}pare a written meffage upon the amend- ments propofed by the Council to the Bill intituled *an A^{ct} for Levying and Arming an effectuall force in time of danger* reported the meffage which he read in his place and after- wards delivered in at the table where being againe read the fame was agreed to by the Houfe and was as followeth—

In anfwer to yo^r Hon^{rs} Meffage propofeing Amendments to the bill intituled *an A^{ct} for levying and Arming an effectuall fforce in time of danger* and for Expunging the firft of the Provifoes in the fifth Page which is in thefe words— and Provided alfo that neither this A^{ct} nor any matter or thing therein contained fhall be deemed conftrued or taken to Extend to the giving or declareing of any power for the tranfporting of any the Inhabitants of this Colony and Dominion or any way compelling them to march out of this Colony & Dominion Wee take leave to acquaint yo^r Hon^{rs} that we do agree to the faid Amendments Excepting only the Expunging of the faid Provifoe which we take to

be

be so necessary a Clause there that without it the Law will be much weakened, the fear that the poor People of the Country have already conceived of being sent to *New York*, the Ascertaining the Soldiers pay at this Juncture would confirme and So would cause many if not the most of the men that are fit for Service upon the least further apprehension to quitt the Country or abscond So that when occasion Should require their Service in defence of this Colony if they should in the least Scruple the truth thereof they could not be found, and the Country thereby perhaps be made an easie prey to the Enimye— And on the other hand we are of opinion that by the words of this Act there cannot be made a question in his Majesties Prerogative of making use of his men here for the defence of any of his Plantacons where it shall be thought necessary because this Act providing pay to be made by the Publick here. It is only intended of such as shall be made use of in the defence of this Government being not able to Support the Charges of defending others—

Ordered That the persons which prepared the said message do forthwith carrye the same to the Council and desire their Concurrence to the Bill therein menconed with such Amendments only as the House doth agree to

And they being returned Mr *Beverley* acquainted the house that they had bin with the Council delivered them the Bill and message and desired Concurrence.

Mr *Cary* from the Committee of Publick Claimes to whom it was referred to prepare a Suitable Address in answer to his Excell^s Speech and Propofalls on *Saturday* last reported the Address which he read in his place and afterwards deliver^d in at the table where being againe read the same was agreed to by the House and was as followeth

To his Ex^{ty} Francis Nicholson Esq^r his Majests Lt and Gov^r Gen^l of Virga

The humble Address of the House of Burgeses

May it Please yo^r Excell^{ty}

Wee his Majests most Loyall and dutifull Subjects the Burgeses now assembled having seriously considered the Subject matter of yo^r Excell^s Speech on *Saturday* the twenty Seventh Instant with the Severall Propofalls and Papers then delivered our Speaker relating thereunto with a due deference and Submission to your Excell^s Opinion and Sentiments concerning our past proceedings beg leave to represent— That it is with a deep Sorrow we perceive those p^rceedings are not absolutely Satisfactory to your Excell^s mind Wee are well assured our hearts are full of Loyalty to his most sacred Majesty and passionate Zeal to Serve him and those his dutifull Subjects whom we represent at this time by the best and easiest wayes we can contrive. And we humbly hope those methods we have taken to answer his Majests Royall Commands by an humble Address agreed upon between the Hon^{ble} Council of this Colony and our house will be gratioously received in the room of a direct Compliance in Spetie which wee are not able to performe as our present Circumstances stand without too great a burthen on our owne people and the hazzard of a Successfull Consequence—

Under this Sence (S^r) and our former Opinion that upon any Extraordinary Emergency Sufficient Armes and Amunition may be had for the defence and Security of this Colony, Wee deem it not convenient notwithstanding the Incouragement of free Loan and Gift offered us by yo^r Excell^s Generosity to raise those new ffunds your Excell^y is pleased to propose And are content to relye upon God Almightys Protection without any greater meanes of human Provision for our defence and Security then those directed by our Lawes in force and such Acts as we are now about perticularly the Bill for levying and Arming an Effectuall force in time of danger which wee humbly conceive is cleer of any Clause that can be construed to be repugnant or disagreeable to his Majests Commands to your Excell^y or that Royall authority vested in his Majesty which (were it in our power) wee have hearts too Loyall to dispute or to Seek the Diminution of—

Pursueant to yo^r Excell^s proposition we have made an order that the Trustees of the City of *Williamfough* do with all Expedition make a Tender of the money due to each Proprietor concerned in the land taken vp for the said City and to that end we desire Mr *Treasurer* may be forthwith directed to pay into their hands the whole Summe ordered for that purpose— Wee were in hopes we had fallen vpon an Effectuall method
for

for quieting the poffeffion of the Severall perfons feated within the bounds of the Land laid out for the *Pamunkey* Indians by the Act which paffed the Honorable Council and our houfe in that behalf but if it may not be rattified by yo^r Excells Affent wee pray yo^r Excellly will be pleafed to Espoufe the pityfull Cafe of thofe people and intercede for his Majefties Grace and favour towards them and til his Royall pleafure be knowne Suffer them to live undifturbed in their refpective poffeffions

Since we are not apprehenfive that any Inconveniencys will arife by the prefent laying open of the Lands on the South fide of *Black-water* Swamp and in *Pamunkey* neck Wee fhall with Submiffion prefume in proper time to prefent to yo^r Excellly an humble Addrefs agreed upon between the Hon^{ble} Council and our Houfe in that matter and relye upon yo^r Excëlls wifdome and goodnefs to forward his Majefties Intereft and the good of this Colony therein— Wee underftand the Committee for Revifall of the Lawes hath proceeded to the Confolidation of fome few Parifhes which appeared to them to be Small but in regard the alteration of the Bounds of Countys and Parifhes already fetled is a matter of Extraordinary weight and moment And that we know not what confequences may happen therevpon. Wee conceive it the beft way not to proceed therein but upon Representation of the Inhabitants that the prefent Settlement is greivous and wants Redrefs—

Concerning publick difpatch of Letters and the Settling of fierrys and Pofts we have purfueant to yo^r Excëlls Propofition recommended the Care thereof to the Committee for Revifall of the Lawes in the firft place—

And forasmuch as we are of Opinion that the Summe of Sixty three pounds for the purchafe of Sixty three acres of Land adjoyning to the lands affigned in the City of *Williamsburgh* to build the Govern^rs Houfe upon and the Summe of One hundred forty Six pounds eight fhillings three pence paid by M^r Auditor *Byrd* for Severall Difburfements or Charges are neither of them a Country Charge we pray Yo^r Excellly will not infift further upon your Propofalls about the fame but that they be defrayed out of his Majēts Revenue appropriated for the Maintenance and Support of this Government and the contingent Charges—

And now

May it Pleafe Yo^r Excell^y

Conceiving wee have given a Particular Anfwer to all Yo^r late Propofitions Wee humbly defire yo^r Excëlls favourable Conftitution and as in duty bound heartily pray for the long continuance of yo^r Excëlls health and Profperity—

Resolved That the faid Addrefs be prefented to his Excellly by the whole Houfe—

Ordered That the Committee who prepared the faid Addrefs forthwith wait upon his Excellly to know his pleafure when the Houfe fhall attend him with their Speaker to prefent the faid Addrefs

And they being returned M^r *Cary* acquainted the houfe that they had been with his Excellly to know his pleafure when he will be attended by the Houfe to prefent their Addrefs and that his Excellly was pleafed to Say prefently—

And thereupon the Houfe went immediately to attend his Excellly—

And being returned M^r *Speaker* acquainted the Houfe that he had delivered the Addrefs to his Excellly and according to the beft of his remembrance repeated what his Excellly was pleafed to Say thereupon—

Resolved That the Houfe doth agree to joyne with a Committee of the Council to See what hath been done with his Majefties Government of *New York* and the five Nations of Indians—

Ordered That M^r *Beverley*, M^r *Gough* M^r *Ballard* M^r *Kenner* M^r *Cock* and M^r *Hobfon* do forthwith wait upon his Excellly and acquaint him with the faid Refolve—

And they being returned M^r *Beverley* reported that they had done it

A Meflage from his Excellly by M^r *Wright* That three of the Hon^{ble} Council are appointed to joyne in a Committee with a convenient number of the Houfe of Burgeffes to make Search and Inquiry what hath been done in his Majefties Government of *New York*

York and the five Nations of Indians which Committee is to Sit immediately in the Council Chamber—

Ordered That a Committee be appointed to joine with the Council according to the said message

And a Committee was accordingly appointed *viz*

Mr *Beverley* Mr *Kenner*

Mr *Gough* Mr *Cock*

Mr *Ballard* Mr *Hobson*

A Message from the Council by Mr *Wright* That the Council do desire a Conference upon the Subject matter of the Bill intituled *An Act for Levying and Arming an Effectuall force in time of danger* upon their Amendments made thereto and the Answer of this House thereupon by three of the Council with a convenient number of the Burgesses forthwith in the Council Chamber—

Resolved. That the House doth agree to the Conference desired by the Council as aforesaid

And thereupon Managers being appointed *viz*

Mr *Bland* Mr *Macon*

Mr *Harrison* Mr *Barber*

Mr *Robinson* Mr *Spence*

They were ordered forthwith to acquaint the Council that the House doth agree to the Conference and to attend the Same—

A Message from the Council by Mr *Wright*—

Mr *Speaker*.

I am commanded by the Council to acquaint this House that they desire an immediate Conference be held by three of their Members with such Burgesses as this House shall appoint upon the Additions proposed to the Book of Claimes

Resolved That the House doth agree to the Conference desired by the Council aforesaid—

An thereupon Managers being appointed *viz*

Mr *Cary* Mr *Milner*

Mr *Westcomb* Mr *Sullyvant &*

Mr *Moseley* Mr *Bray*

They were ordered forthwith to acquaint the Council that the House doth agree to the Conference and to attend the same—

The House was adjourned til to morrow morning nine a Clock—

Tuesday Septemb^r the 30th 1701

MR *Cary* from the Conference with the Council upon the Additions proposed by them to the book of Claimes reported the matter of the Conference

Mr *Bland* from the Conference with the Council upon the Subject matter of the amendm^{ts} p^oposed by them to the bill intituled *An Act for levying and Arming an effectuall force in time of danger* and the Answer to this House thereupon reported the matter of the Conference which having collected in writing he read in his place and afterwards delivered in at the table where they were againe read

A Message from his Exc^{lly} by Mr *Wright*

Mr *Speaker*

I am ordered by his Exc^{lly} to acquaint this House That his Exc^{lly} cannot be of your Opinion that the Sum^e of Sixty three pounds for the Purchase of Sixty three acres of land &c and the Sum^e of One hundred forty six pounds Eight shillings and Six pence paid by Mr *Auditor Bird* for Severall Disbursements &c is not a Country Charge for it is his Exc^{lly}s Opinion that the Same is as much a Country Charge as any within the book of Claimes and therefor insift that they be some way or other Satisfyed by the

Publick

Publick and if he did not do so, should judge himself guilty of Unfaithfullness to his most sacred Majesty

A message from his Excellency by Mr Wright

Mr Speaker

His Excellency recommends to the House to send forthwith to his Excellency and the Council the order mentioned in their Address of Yesterday That the Trustees of the City of *Williamsburgh* do with all Expedition make a tender of the money due to Each Proprietor concerned in the land taken up for the said City &c That it may pass by his Excellency and the Council—

Ordered That a Copy of the Order directing the Trustees of the City of *Williamsburgh* to tender the money due to the Several Proprietors concerned in the land taken up for the said City be sent to his Excellency and the Council for their Concurrence thereunto—

A Message from the Council by Mr Wright—

Mr Speaker and Gentl of the House of Burgeffes

Wee hope for the reasons represented the last night to the Conferrees of your House (for Expunging the five first lines of the last Clause of the Bill Entituled *an Act for levying and Arming an Effectuall force in time of danger* Save only the two last words of the fifth line) That the House will agree that the same be expunged

Then a debate arising concerning the Subject matter of the said message the question was put that the House do agree to Expung the Clause mentioned therein and it pass In the Negative—

Ordered That the House doth not agree to any of the Propositions of the Council at the Conference to the Amendments of the Bill intituled *An Act for levying and Arming an Effectuall force in time of danger*—

Ordered That a Copy of the said Resolve be sent to the Council and that their Hon^{rs} be desired to pass the Bill with such Amendments only as the House hath agreed to

A Message from the Council by Mr Wright

Wee have before us your Resolve of the twenty Seventh Instant concerning the Summe of three hundred pounds to be remitted to your Agent and before we can determine anything as to the said Summe we think it necessary to know his Instructions that when we understand what Service you Expect from him we may the better judge what money is proper to be remitted to him—

Ordered That a Conference be desired with the Council concerning Suitable Instructions and a Letter to the Agent

A Message from his Excellency by Mr Wright

Mr Speaker

I am ordered by his Excellency to acquaint this House That his Excellency thinks it a duty incumbent upon him to write to the Govern^r of *New York* concerning the Subject matter of his Majestys Royall Letter nineteenth *January* 1701 in relation to the nine hundred pounds and the Quota of men to be sent to his Majestys Province of *New York* and because his Excellency would omitt nothing that is proper to write upon Such Occasion he here sends a Copy of a Letter he formerly writt and his Excellency proposes to the House of Burgeffes that a convenient number of the House of Burgeffes joyne in a Committee with three of his Majestys Hon^{ble} Council to consider what is proper to be writt upon that Subject—

Resolved *Nemine Contra-dicente*

That it is the Opinion of this House—

That it is no concerne of this House to Communicate their proceedings to the Government of *New York* upon his Majestys Royall Letter of the nineteenth of *January* 1701 and therefore they humbly desire to be Excused that they cannot agree to joyne in Committee with the Council according to his Excellents Proposals for considering what is proper to be writt to that Government

Ordered That a Copy of the said Resolve be sent to his Excellency and that Mr Speaker Signe the same

Mr

Mr *Beverley* from the Committee of Council and Burgeſſes to make Search and inquiry what hath been done with his Majēſts Government of *New York* and the five Nations of Indians reported the Subject matter of the proceedings of the ſaid Committee which having taken A Breviate of he read the ſame in his place and afterwards delivered it in at the Table—

Ordered That Mr *Beverley* Mr *Bland* Mr *Barber* Mr *Westcomb*, Mr *Milner* and Mr *Giles* forthwith goe to the Council and deſire a Conference with them concerning Suitable Inſtructions and a Letter to the Agent

And alſo carrye to his Excellcy and the Council a Copy of the order of this Houſe directing the Truſtees of the City of *Williamsburgh* to tender payment to the ſeveral Proprietors concerned in the land taken vp for the ſaid City And alſo Carrye to his Excellcy a Copy of the Reſolve of this Houſe upon his meſſage propoſeing A Committee of Council and Burgeſſes to conſider what is proper to be writt to *New York*—

And alſo Carrye to the Council a Copy of the Reſolve of this Houſe upon the Amendments propoſed by them to the Bill intituled *an Act for levyng and Arming an Effectuall force in time of danger*

And they being returned Mr *Beverley* reported that they had delivered the ſaid Severall Papers according to the Directions of the Houſe—

A Meſſage from the Council by Mr *Wright*

That the Council do inſiſt upon their Amendments made to the Bill intituled *An Act for levyng and Arming an Effectuall force in time of danger* and deſire the Houſe to agree thereto

A Meſſage from the Council by Mr *Wright* who bro^t into the Houſe the Reſolve of this Houſe concerning the *Blackwater* and *Pamunkey* Neck Lands agreed to by the Council

And then the Houſe adjourned til to morrow morning nine a Clock—

Wednesday October the firſt 1701

A MESSAGE to the Council in writing as followeth
May it pleaſe Your Hon^{rs}

Having ſpent ſo much time in adjusting the Publick Claimes Wee are deſirous the Publick Levy ſhould be laid before the Conclusion of this Seſſion to the end every perſon to whom the Country is indebted may receive their juſt Rights, which they muſt be delayed in, if laying the Levy is put of to another Seſſion and beſides it will require the ſame time to conſider over againe thoſe matters which are now agreed upon and want only proporconing— Wee beg leave to obſerve to yo^r Honors that we take for granted you allow the whole book of Claimes and ſtopp the paſſing it upon no other account but a Proviſoe to add that to it which wee cannot conceive nor agree to be a Country Charge that is to be Levyed by the Poll or paid out of the fund for Leſſning the Levy by the Poll but is an Incident Charge of the Government and if it be not already may be defrayed out of his Majēſties Revenue of two ſhillings ⁷/₈ hhd vpon tobaccoe appropriated for Such purpoſes—

Wee hope this thing will not abſtrūct [obſtruct] our Concluding this Aſſembly as vſuall by the Levy Act which if not done now will be the more burthenſome another time, becauſe it will be double and not only ſo but will be a great Greivance in the Country by not paying the perſons to whom the Country is indebted and a farr greater Greivance if another Seſſion ſhould ſpeedily be held to pay the ſame and how vneafie this will be may be partly Suppoſed from the great Charge accrewing upon this long Seſſion—

Ordered That the Committee of Publick Claimes carrye the ſaid Meſſage to the Council

And they being returned Mr *Cary* reported that they had delivered the ſaid Meſſage to the Council—

A meſſage from the Council by Mr *Wright* who brought into the Houſe the Addreſs
of

of this House to his Excellency with the last Clause thereof Endorsed upon the back of it agreed to by the Council

A message from his Excellency by Mr Wright

Mr Speaker

I am ordered by his Excellency to acquaint this House that upon consideration of their Address of the twenty ninth Instant relating to the alteration of the Bounds of Countys and Parishes. His Excellency is absolutely of Opinion that if some Speedy method be not taken that each Parish may be Enabled to maintaine a Minister themselves it will be a very great Incouragement to Irreligion Prophaneness¹ if not Atheism And as to the Countys his Excellency supposes the small ones will find it an Aggreivance by this yeares County Levy and that the House cannot be vnfenceible how vnequall and vnproporconall the Countys are in this Neck betwixt *James River* and *York River*—

A Message from his Excellency by Mr Wright—

Upon that part of yo^r Address to me of the twenty ninth Instant relating to the Severall persons seated within the bounds of the Land laid out for the *Pamunkey* Indians, as for those persons who are there seated upon an Ordinance of Assembly I look upon it as my duty to confirme the same— but as for those who are there seated otherwise I cannot consent to it because I am satisfied they have done it contrary to all the Orders and Resolves of the Government and in that respect I cannot be the first mover in Supplying his Majesty for Such a thing but if you think good to draw an Address to that purpose I will joyne my utmost Endeavour to have it presented to his most Sacred Majesty—

A Message from his Excellency by Mr Wright

That his Excellency commands this House to send all the Resolves and Ordinances of Assembly that have passed the Council and the House of Burgeses this Session that they may receive the Assent of his Excellency

His Excellency hath also sent to the House of Burgeses for their perusal his Excellency's Commands to the Honorable *William Byrd Esq^r* Colonel and Command^r in cheif of all the Militia Horfe and floote in the County of *Henrico* and *Charles City* which his Excellency intends also to send to the Severall Colonells and Command^{rs} in cheif of the respective Countys in this Colony—

Ordered That Mr *Harrison*, Mr *Westcomb*, Mr *Hobson*, Mr *Bray*, Mr *Thacker* and Mr *William Cary* do forthwith carrye to his Excellency for his Assent the Severall Resolves of the House for Allowances to the Revisors—

And also the Severall Resolves concerning *Blackwater* and *Pamunkey Neck* Lands

And also An ordinance of Assembly prohibiting the Ordinary Keepers to Entertaine &c the workmen employed for building the Capitol —

And also an Ordinance of Assembly for Setling the bounds of *Isle a [of] Wight Surry* and *Charles City* Countys on the South side *Blackwater* Swamp

And also the Resolve of this House for two hundred Eighty three pounds five shillings to be put into the hands of the Trustees of the City of *Williamsburgh*—

And also the order directing the said Trustees to tender the said moneys to the severall Proprietors concerned in the land taken vp for the said City

And they being returned Mr *Harrison* reported that they had been with his Excellency and delivered the Said Severall matters for his Assent—

A Message from his Excellency by Mr Wright—

Mr Speaker

I am ordered by his Excellency to acquaint this House That his Excellency is very willing and desirous that the Book of Claimes should pass and every one be fully satisfied but in respect that his Excellency finds that his message of Yesterday to the House of Burgeses wherein he delivers his Opinion that the Summe of Sixty three pounds *Sterling* and the Summe of One hundred forty Six pounds Eight shillings and three pence *Sterl* mentioned in the said message is as much a Country Charge as any within the book of Claimes is not yet answered by the House he cannot in duty to his most Sacred Majesty pass the

¹ Thus in the copy. The word should be "prophaneness," an old form of "profaneness."

Levy Act but proposes this Expedient That Since It is the Opinion of the House that the Same is not a Country Charge and the Opinion of his Excellency and the Council That It is a Country Charge the money be therefore now deposited in the hands of Mr *Treasurer* and his Majesty do determine the point in question which Expedient being agreed to the book of Claimes shall immediately be returned—

A message to his Excellency in writing as followeth

May it please yo^r Excell^y

In answer to yo^r Excell^y Message of this day concerning the book of Claimes—we take leave to acquaint yo^r Excell^y. that we conceive we have Sufficiently by our two Addresses to yo^r Excell^y answered yo^r Excell^y Proposals for Allowance of the Sixty three pounds and the One hundred forty Six pounds Eight shillings three pence and that we cannot recede from our former Opinions upon that affair—

A message to the Council in writing as followeth—

May it please yo^r Hon^{rs}

By our message in writing this day we acquainted Yo^r Hon^{rs} with our reasons for your returning the book of Claimes that the Publick Levye may be p^rporcioned and now take leave to acquaint you that the House wait yo^r Hon^{rs} resolution thereupon

Ordered That Mr *Harrison* Mr *Westcomb* Mr *Hobson*, Mr *Bray* Mr *Thacker* and Mr *William Cary* forthwith carrye to his Excellency the Message to his Excellency and to the Council the message to the Council

And they being returned Mr *Harrison* reported that they had delivered the Said messages according to the directions of the House

Mr *Wright* brought back into the House the Severall Ordinances and Resolves this day Sent to his Excellency for his Assent and they were Severally assented to by his Excellency

Mr *Wright* acquainting the House that his Excellency desired the Address which was brought into the House this morning with the last Clause agreed to by the Council might be returned back the same was delivered him at the Table—

Mr *Wright* brought back from his Excellency the said Address with the last Clause thereof assented to by his Excellency.

A message from his Excellency by Mr *Wright*

Mr Speaker

I am commanded by his Excellency to acquaint the House of Burgeesses that upon consideration of that part of their Address of the twenty ninth Instant wherein they say they humbly hope those methods they have taken to answer his Majestys Royall Commands by an humble Address agreed upon between the Hon^{ble} Council of this Colony and their House will be gratioously received in the room of a direct compliance in spirit and the Resolve of the House of the nineteenth Instant in answer to the Councils message the same day That vpon Second Consideration they altered their first Intentions of Separating the Instructions from the Address and voted the Address should containe all necessary matter His Excellency thereupon conceives that Affair is now finished and hopes the Lawes agreed vpon by his Maj^{ty} Hon^{ble} Council and themselves are now ready for his Excellency to Signe So that an End may be put to this Session—

A message from his Excellency by Mr *Wright*

That his Excellency is very well satisfied that he hath Sufficiently declared his mind to the House & discharged his duty to his most Sacred Majesty in his messages to the House concerning the book of Claimes and Since the House refuse to have his most Sacred Majesty to determine the point his Excellency must stand by it and cannot pass the Claimes—

His Excell^y Commands to Coll *Byrd* this day Sent to the House for their perusal were returned back by Mr *Wright*

A Message from the Council by Mr *Wright*

Mr Speaker and Gent^{ls} of the House of Burgeesses—

His Excell^y Concurrence to the Claimes being absolutely necessary before the Levy can be proportioned which Concurrence his Excellency has by Severall messages to your House (communicated to us) Signified to you that for Severall reasons he cannot grant We think it unnecessary for us to give any further Answer in that matter

Ordered

Ordered That M^r *Westcomb*, M^r *Hobson* and M^r *Gough* do forthwith withdraw and Examine the Severall Inrolled Bills—

And they being returned M^r *Westcomb* reported that they had Examined the said Bills and that they did agree with the Ingrossed Bills—

A Message to the Council in writing as followeth

In Answer to yo^r Hon^{rs} message of this day in these words His Excell^{ty} Concurrence to the Claimes being absolutely necessary before the Levy can be proportioned which Concurrence his Excell^{ty} has by Severall messages to your House (communicated to us) Signified to you that for Severall reasons he cannot grant we think it unnecessary for us to give any further Answer in that matter

Wee take leave to represent to yo^r Hon^{rs} that we Conceive it is most regular and Parliamentary to have all matters pass the Council as well as this House before they can be offered to his Excell^{ty} and therefore we cannot Concede to that part of your Message wherein you think it unnecessary for you to give any further Answer

The Book of Claimes having passed this House is lodged with your Hon^{rs} now and we desire you to returne it to this House agreed to or disagreed to according to the Practice of all former Assemblies for Wee sent it to you first for your Concurrence and do conceive the Governours Assent hath not at any time been desired to the book of Claimes but by a Levy Bill prepared thereupon—

Ordered That M^r *Bland* M^r *Robinson* M^r *Ball* and M^r *Thacker* carrye the said message to the Council—

And they being returned M^r *Bland* reported that they had delivered the said message to the Council—

A Message from the Council by M^r *Wright*

That they desire the Original book of Claimes of the last Session may be sent them—

And accordingly the said book was Sent to the Council by the Committee of publick Claimes—

Ordered That the Committee of Publick Claimes carrye to the Council the Journall of the last Session to shew the Council that the book of reports of the Committee of Publick Claimes last Session was sent only to the Council for their Concurrence And also carrye to the Council the book of reports of the Committee of Publick Claimes Anno 1697 and the book of reports of the Committee of Publick Claimes Anno 1699 to Shew them that the said reports were returned only with the Councils agreement thereunto

And they being returned M^r *Cary* reported that they had carryed the said Journall and reports of the Committee of Claimes to the Council and pursued the Directions of the House—

A Message from his Excellency by M^r *Wright*

M^r *Speaker*

I am commanded by his Excell^{ty} to acquaint this House that his Excell^{ty} thinks there is Occasion for an order for M^r *Treasurer* to make payment of the money allowed the Revisors as there was to the Trustees of the City of *Williamsburgh*

M^r *Wright* from the Council brought back to the House the Journall of the last Session and three books of Reports of the Committee of publick Claimes—

The Book of reports of the Committee for publick Claimes this Session was returned from the Council by M^r *Wright* with this following written Message—

M^r *Speaker and Gent^{ls} of the House of Burgeffs*

In answer to one part of your last written Message Wee have returned your book of Claimes and take leave to tell you that it has been the Practice here (of which we hope you will allow us to be y^e Judges before agreeing to the Claimes for the Governour to give his Assent thereto who hath alwaies stood concluded thereby. No Govern^r having ever yet denied the passing the Levye Bill after the preparing thereof. As to the rest of your Message we relye upon our last Message on this matter—

A Message from the Council by M^r *Wright*

That the Council desire the Inrolled Bills may be sent them for their Satisfaction that they agree with the Ingrossed Bills—

Ordered

Ordered That the Members of this House which Examined the said Bills carrye the said Bills to the Council together with the ingrossed bills for their perusal and Satisfaction that they are truly transcribed in the Roll—

And they being returned— Mr *Westcomb* acquainted the House that they had delivered the said Bills to the Council—

Ordered That Mr *Treasurer* pay the Severall Allowances made this Session to the Members Assitants and Clerk of the Committee for Revivall of the Lawes and Allowance made to *John Remington* for his Attendance upon the said Committee out of the money in his hands upon the Imposition upon Liquors.

Ordered. That the said Order be sent to the Council for their Concurrence thereunto—

Ordered That the two Addresses to his Majesty be carried to the Council for their view That they are fairly Transcribed according to their Agreement and that they be desired to signe them as this House is ready to do. and

As also the Address to his Excelly for laying open the *Blackwater* and *Pamunkey* Neck Land—

Ordered That such Members as are in the house of the Committee of Propositions and Greivances carrye to the Council the order of this Session concerning Mr *Treasur* paying the Revivors &c

The two Addresses to his Majesty fairly transcribed and also the Address for laying open the *Blackwater* and *Pamunkey* neck lands and desire the Council to Signe them—

And they being returned Mr *Beverley* reported that they had laid before the Council the order for Mr *Treasurer* to pay the Severall Allowances &c and also the two addresses to his Majesty and desired they would please to Signe the Same and acquainted them the House was ready also— And alsoe—

The Address to his Excelly for laying open the *Pamunkey* Neck land and the Land on the South-side *Blackwater* Swamp—

Mr *Wright* from the Council returned to the House the Inrolled Bills and the Ingrossed Bills Sent them for their Pervial and Examination And also the two Addresses to his Majestye Signed by the Members of the Council

A message from his Excelly by Mr *Wright*

Mr *Speaker*

I am commanded by his Excelly to acquaint this House that if they have anything more for his Majests Service or Interest of this Country to Offer that they do offer it

Mr *Wright* returned from the Council an Address to his Excelly for laying open the *Blackwater* and *Pamunkey* Neck lands Signed by the Members of the Council —

A Motion being made and the question put that the House doe forthwith adjourne
It passed In the Negative

A Message from his Excelly by Mr *Wright*

Mr *Speaker*

I am commanded by his Excelly to acquaint this House That if this House has any thing to offer for his Maj^{ty} Service that they now do it, but if they have not, his Excelly commands the imediate Attendance of this House upon his Excelly in the Council Chamber and that they bring with them the Inrolled Bills—

Ordered That a Message be forthwith sent to his Excelly to acquaint him that the House has something to do before the Conclusion of this Session which cannot be finished this night

Ordered That Mr *Beverley*, Mr *Robinson*, Mr *Harrison*, Mr *Jfo*ster, Mr *Westcomb*, and Mr *Welburne* wait upon his Excelly and acquaint him accordingly

And they being returned Mr *Beverley* reported they had so done—

And then the House adjourned til to morrow morning seven a Clock—

Thursday

Thursday October the 2^d 1701

A WRITTEN Message to the Council as followeth
May it please yo^r Hon^{rs}

Having desired A Conference with your Hon^{rs} concerning Suitable Instructions and a Letter to our Agent and also sent an order directing Mr *Treasur^r* to remitt him three hundred pounds *Sterl* for yo^r Concurrence to neither of which an Answer is returned. we desire your Hon^{rs} to Expedite the same

A written Message to his Exc^{elly} as follows

In answer to yo^r Ec^{ells} Messages of Yesterday to this House that if wee had any thing more for his Majests Service or the Interest of this Country wee should Offer it otherwayes to give our imediate attendance on your Exc^{elly} with the Inrolled Bills we take leave to acquaint yo^r Exc^{elly}. that in our proceedings this Session upon receipt of his Majests Royall Letter of the nineteenth day of *January 1701* communicated to us by yo^r Exc^{elly} for Assisting *New York* with Nine hundred pounds *Sterling* and a Quota of men upon occasion not Exceeding two hundred forty. Wee have agreed upon an Agent in behalf of this our Country to represent the Case to his most Sacred Majesty by which meanes we are in good hopes to Satisfye his Majestye and obviate the like Grants in the future And for the better carrying on the same have agreed upon three hundred pounds *Sterling* to be put into his hands and Also have desired a Conference with the Hon^{ble} Council for further Suitable Instructions and a Letter to our said Agent in behalf of this Country both which last lye stil before the Council unanswered and this house thinking them of absolute Concern for his Majests and this Countrys Service have also now sent a Message to the Hon^{ble} Council to Expedite those matters—

Ordered That Mr *Speaker* Signe the said Message—

Ordered That such Members of the Committee of Proposicons and Greivances as are in the House forthwith carrye to his Exc^{elly} the Message to his Exc^{elly} and to the Council, the message to the Council.

And they being returned Mr *Beverley* reported that they had delivered to his Exc^{elly} the Message to his Exc^{elly} and to the Council the message to the Council

Resolved and accordingly *Ordered*

That in case this Session be concluded without finishing the Severall matters designed by this House for Mr *William Byrd Junior* Elected our Agent this House doth desire the Hon^{ble} *William Byrd Esq^r* that he will be pleased to transmitt to the said Agent the two Addresses to the King Signed by the Members of the Council and this House And also a Copy of the proceedings this Session and of the Assembly in 1693 and of the Assembly 1695 which relate to the Address Stateing the Case between this Government and *New York*. All which Mr *William Randolph* the Clerk of this House is required to give him Copies of — And that the said *William Byrd Esq^r* will be pleased to write to the said Agent to do what in him lyes to save the Kings Displeasure until this Country be further heard And also promise the said Agent that this House will be accountable to him for all his Disbursements and for a Suitable Reward for his Service in this Affaire—

Then the Severall Members in the House Signed the Address to his Majesty about the Agent and the Address to his Majesty for representing the Case between this Government and *New York* and the Address to his Exc^{elly} for laying open *Blackwater* and *Pamunkey Neck* lands

A Message in writing from his Exc^{elly} by Mr *Wright*
 Mr *Speaker* and Gent^l of the House of Burgeffes.

In answer to yo^r Message to me this day concerning three hundred pounds *Sterling* to be put into the hands of your Agent. I referr you to my Speech of the twenty Seventh Ins^t and the Proposals then given to the Hon^{ble} Mr *Speaker* and my two Propositions for raising of money for Severall Uses One of which was to pay yo^r Agent, All which you refused and you have since denyed to reimburse the Hon^{ble} Mr Auditor *Byrd* the Summe of One hundred forty Six pounds eight Shillings and three pence *Sterling* for Severall Disbursements

Disbursements by him made and the Summe of Sixty three pounds *Sterling* for the purchase of Sixty three Acres of Land &c therefore I cannot apprehend how you can reasonably Expect that I should give my Consent for the Summe of Three hundred pounds *Sterling* to be paid to your Agent the same being a third part of what his Majestys Royall Letter of the nineteenth *January* 1700 / 1 proposes to be sent to the Governour of *New York* and as for any further Instructions being given him than what is contained in the Address which consists of Negatives I referr you to what I sent you Yesterday concerning them. I can in no wayes agree with you that it is of absolute Concern for his Majestys and this Countrys Service that you imploy an Agent that is to have such a large gratuity for delivering such an Address to his most Sacred Majesty which may be sent either to the Right Hon^{ble} *James Vernon* Esq^r his Majestys Principall Secretary of State or to the R^t Hon^{ble} the Lords Commis^{rs} of Trade and Plantations but if you will have an Agent to deliver the said Address you must Petition his most Sacred Majesty to know how he shall be paid—

If you have nothing more to offer then I command this House immediately to attend upon me in Council in the Council Chamber and to bring the Roll of Bills you have prepared, for them to be Signed by

Fr Nicholson

The House having nothing more to offer this House went immediately to attend his Excellency in the Council Chamber and carryed with them those Inrolled Bills *viz*

A Bill intituled *an Act giving further directions in building the Capitoll & for building a Publick prison*

A Bill intituled *an Act continuing the Act laying Impositions upon liquors Servants and Slaves until the twenty fifth of December 1703.*

A Bill intituled *an Act for dividing King & Queen County and*

A Bill intituled *an Act for quieting the possession of Severall persons seated within the bounds of the land laid out for the Pamunkey Indians—*

And also the Address of the Council and this House for laying open the *Blackwater & Pamunkey neck land*

JOURNAL

OF THE

HOUSE OF BURGESSES

AT A

GENERAL ASSEMBLY

Begun at his Majestys Royal College of *William* and *Mary* adjoining to the City of *Williamsburgh* the fifth day of *December* in the twelfth yeare of the Reigne of our Sovereigne Lord *William* the third of *England Scotland ffrance* and *Ireland* King Defender of the faith &c: *Annoq₃ Domini* 1700 and thence continued by Several prorogations to the thirteenth day of *May* 1702 in the fourteenth yeare of his Majestys Reigne—



RICHMOND, VIRGINIA.

MCMXIII.

JOURNALL

of the

HOUSE OF BURGESSES

Wednesday May the 13th 1702

MR *Speaker* and twenty five Burgeſſes being Mett in the houſe, a letter from *William Randolph* Clerk of the houſe Signifying his diſability to attend the Service of the houſe at preſent was read and the ſame was admitted for an Excuſe

A Meſſage from his Excell^{cy} by M^r *Robertſon*
M^r *Speaker* and Gent: of the houſe of Burgeſſes

His Excellency commands the imediate attendance of this houſe upon him in the Council Chamber

And accordingly the houſe went to attend his Excell^{cy}

And being returned M^r *Speaker* acquainted the houſe that his Excell^{cy} was pleaſed to make a Short Speech and to give him a representation of the Com^{tee} for revival of the Lawes to the Gen^l: Aſſembly, that having had a Copy of the ſaid Speech given him alſo, for fear of a Miſtake in the reporting. he would read the ſame and thereupon M^r *Speaker* read his Excell^{cy}s Speech and after it the representation of the Com^{tee} for Revifall of the Lawes and his Excell^{cy}s Speech was as followeth

Gentlemen

I herewith give the hon^{ble} your Speaker a Representation from the Com^{tee} appointed to revife the Lawes; and the Right hon^{ble} the Lords Com^{rs} for Trade and plantations having by ſeveral Letters to me recommended the diſpatch of the Revifal of the Lawes of this his Maj^{ty}s Colony and Dominion of *Virginia*, I hope you will take care that the ſame may be finiſhed this Seſſion

To avoide any miſunderſtanding. I have not cauſed any Writts to be iſſued for Ele^{ct}ion of Burgeſſes for the new County of *King William*, nor in the roome of thoſe members of your houſe who, (I underſtand) are dead ſince the laſt Seſſion, but I recommend to you to come to ſome Speedy Reſolution therein

Gentlemen

The reaſon why I dont Speake to you about Several other matters for his Maj^{ties} and this Countrys intereſt and Service is becauſe, there are but three of his Maj^{ty}s hon^{ble} Council here, but within a day or two I hope in God there will be more

ffr: Nicholſon

Ordered That the ſaid Speech and Representation do lye upon the Table
And then the houſe adjourned til to morrow morning nine a Clocke

Thursday May the 14th 1702

A MOTION being made by a member of the houſe and the houſe thereupon called over

Ordered That a Meſſage be forthwith Sent to his Excell^{cy} to deſire him to iſſue out a new Writt for the Ele^{ct}ion of a Burgeſſ to ſerve in this Aſſembly for *King* and *Queen* County in the roome of M^r *William Gough* Dec^d

And

And also to issue out a new Writt for the Election of a Burgeſſes to Serve in this Affembly for *New Kent* County in the roome of Mr *Gideon Macon* Dec^d

And also to issue out a New Writt for the Election of a Burgeſſes to Serve in this Affembly for *princeſſ Anne* County in the Roome of Mr *John Thorowgood* Dec^d

And also to issue out a Writt for the Election of two Burgeſſes to ſerve in this Affembly for *King William* County

Ordered That Mr *Corbin*, Mr *Ballard*, Mr *Armistead*, and Mr *Sullivant* Carry the ſaid Meſſage

And they being returned Mr *Corbin* reported that they had delivered the ſaid Meſſage to his Excel^y

A Meſſage from his Excel^y by Mr *Robertſon* in Writeing Viz^t

By his Excellency

Mr Speaker and Gentl: of the houſe of Burgeſſes

I ſend you the proceedings of my Selfe and his Maſteſtys hon^{ble} Council aboute the Imbargo, as likewiſe a letter from the hon^{ble} the Secretary to the Lord high Admiral of *England* concerning ſome men of Warr ordered here, alſo part of a letter from the hon^{ble} *John Povy* Eſq^r one of the Clerks of his Maſteſtys moſt hon^{ble} privy Council, with the copy of part of a letter from Mr *Micajah Perry Thomas Lane* and *Richard Perry* and another from Mr *Thomas Corbin*, an original letter from the ſaid Mr *Perry* and four other letters concerning the Convoy, as likewiſe the Depoſition of *John Tanner &c*: of the men of Warr being at Sea.

And I herewith ſend you a Copy of one of their Excel^{cy}s the Lords Juſtices their Inſtructions to me concerning Imbargoes

I therefore Recommend to you, *Gentlemen of the Houſe of Burgeſſes*, not only for your opinion concerning this preſent Imbargo, but alſo about Imbargoes in General, what will be moſt for his Maſteſtys and the Countrys Intereſt and Service therein, and whether you think it proper to ſend for ſome Captaines and Commanders of Ships that they may be diſcourſed on that matter: And I hope in God wee ſhall all agree in Some Rules and orders to anſwer the ends thereof

Jfr Nicholſon

And the ſaid Meſſage was read at the Table

And alſo the ſeveral letters and papers which were brought into the houſe with the ſame and are therein mentioned

Ordered That the ſaid Meſſage and papers be taken into Conſideration to morrow afternoone

And then the houſe adjourned til to morrow morning nine a Clocke

Fryday May the 15th 1702

A MESSAGE in Writeing from his Excel^{cy} and the Council by Mr *Robertſon* Viz^t

By his Excell^{cy} and the hon^{ble} Council

Mr Speaker and Gent of the houſe of Burgeſſes

Whereas by an Act of Affembly made the 23^d day of *September* 1667 it is provided that in time of warr or Danger, all Ships and Veffels ſhall ride in ſuch places as the Governour ſhall direct, and in Regard by all the Advices lately received from *England* it is Expected that a Warr will very Speedily be declared. His Excel^{cy} and the hon^{ble} Council propoſe to the Houſe of Burgeſſes, and deſire their opinion whether it will not be convenient for preventing any Surprize from an Enemy that all Ships and Veffels within this Dominion be ordered to ride at theſe following places viz^t all Ships and Veffels in the upper Diſtriſt of *James River* to ride above *Sandy Point*. And in the Lower Diſtriſt of *James River*, in *Elizabeth River* above the Towne, in *Nanſemond River* above the place where the ſtort was, in *Pagan Creek* as far as they can conveniently go up the ſaid Creek and in *Warwick River* above *Sandy point*

The

The Ships &c in *York* River above *Kings* Creek, and in the Rivers in *Mopjack* bay as high as they can conveniently go

In *Rappahannock* River above the place where the ffort was in *Currotomen* River, or up *Rappahannock* River as high as they can conveniently go, and in *pianketank* as high as they can conveniently go.

In *Potomack* River in *Yocomaco* and lower *Machotacks* as high as they can Ride and as high as *Appamatux* Creek

And on the Eastern Shore at the Usual places as high as they can conveniently go

And Whereas by an Act of Assembly made the 25th Day of *September* 1672 it is provided that in time of Warr no Person or Persons shall go on board any Ship or Vessel comeing into this her Majestys Colony either in Sloope Boat or Canoe before the said ship or Vessel hath Sent a Shore and thereby made knowne what they are, upon certaine penaltys and forfeitures therein prescribed, His Excellency and the hon^{ble} Council do further propose to the Consideration of this house whether it be not proper at this Juncture to Enforce the Execution and observance of the same

And whereas masters of Ships comeing into this Colony do frequently publish news upon very Slender foundations, which Several times tend much to the disquieting the minds of his Majestys Subjects, It is also proposed to the Consideration of this house whether it is not highly necessary for preventing the publication and Spreading of false news that it be Enacted by a Law, that all Commanders of Ships or Vessels shall immediately upon his or their arrival, and before publishing any Extraordinary news deliver all papers relateing thereto to the Collector or Naval officer of the District where he arives, and the said Collector and Naval officer to be impowered to take the Oath of the said Master upon such news, and send an Account thereof together with the Master or person giving such account, immediately to the Governour or Commander in chiefe for the time being: And that all possible care may be taken for the Speedy forming and passing such an Act

By order of his Ex^{cy} and the hon^{ble} Council

Wil Robertson Cl Gen Ass^{bley}

And the said Message being read at the Table

Resolved That the house do forthwith proceed to the Consideration of the same and after some time Spent therein

Resolved. That it is the opinion of this house That at this time it is convenient that every Ship and Vessel within this Dominion be ordered to ride at some of the following places *Viz*

In *James* River as high up the River as *James City*

In *Elizabeth* River as high up the River as the Towne.

In *Nanzemond* River above the place where the Fort was.

In *Pagon* Creek as farr up as the Creek will admit with convenience.

In *Warwick* River above *Sandy* point

In *Hampton* River as high up the River as the Towne Point

In *York* River above *Kings* Creek

In all the Rivers in *Mobjack* bay as high up as Each River will admit with convenience

In *Rappahannock* River as high up as the River will admit with convenience

In *Corotomen* River above the place where the Fort was

In *Pieanketank* River as high up as the River will admit with convenience

In *Potomack* River as high up the River as *Appamatux* Creek

In *Yocomaco* and lower *Machotacks* as high up as those places will admit with convenience

In all the usual places upon the Eastern Shore as high up as the Respective places will admit with convenience

Resolved That it is the opinion of this house That there is noe necessity at this time for Enforcing the Execution and observance of the last Clause of an Act made at a Grand Assembly holden at *James City* by prorogation from the twentieth of 7^{ber} 1761

to

to the fourteenth of *September 1762* intituled an *Act for Defence of the Country*, wherein it is provided that in time of Warr no Person shall go on board any Ship or Vessel until such Ship or Vessel hath Sent on Shore and it shall be Knowne what she is

Resolved That a bill be prepared upon his Excell^{cy} and the Councils last proposition in their Message of this day for preventing the publication and spreading of false newes

Ordered That Copys of the said Resolutions of this house be sent to his Excell^{cy} and the Council in answer to their aforesaid Message of this day

A Message in Writeing from his Excell^{cy} and the Council by *Mr Robertfon*

By his Excell^{cy} and the hon^{ble} Council

Mr Speaker and Gentlemen of the house of Burgesses

Whereas by reason of the greate Distance of this Colony and Dominion of *Virginia* from our Mother Kingdom of *England*, there may happen to be a considerable Space of time between the Death or Demise of the King or Queen for the time being and the Proclamation of his or her Successor, in this Country: for preventing the many mischiefs and inconveniencys which may happen during the said Interval, It is proposed that all Acts, Deeds, or Sentences of the Governour Lievttenant Governour, or Commander in Chiefe in this Colony for the time being, which he might lawfully do, Sign, or pass by his Commission during the life of the King or Queen for the time being, shall be valid to all Intents and purposes in Law, after the Death of the said King or Queen, and until the said death is by proclamation publicly notified in this Country. As also all Acts of the Council Justices of the peace, and all other officers civil and Military within this Colony which are done after the Death of the King or Queen for the time being, and before the notification thereof by the Governm^t in this Colony, shall be valid to all intents and purposes as if the said King or Queen were actually alive. And that all Treasons Rebellions, and all other Crimes whatsoever committed during the said time shall be punishable to all Intents as if the King or Queen had been actually alive at the time of the Commission thereof, And also that it shall be in the power of the Governour &c: for the time being with advice and consent of the Council of State to continue the Genll Assembly that shall then happen to be Sitting for Months, and no longer, after the notification of the said Death or Demise or to prorogue or Dissolve the same sooner if he shall think fitt. Provided always that nothing contained in the premisses be interpreted to Limit the Governour Lievttenant Governour or Commander in chiefe for the time being in the Execution of my [any] Instructions he shall receive from the Succeeding King or Queen relateing to the prorogation or Dissolution of the said Assembly sooner then by this Act is allowed

By Order of his Excellency & y^e hon^{ble} Council

Will Robertfon Cl: Gen^l Assembly

His Excell^{cy} and the Councils said Message being read and the same appearing to be a proposition

Ordered That the said proposition do ly upon the Table for the use of the members of the house

Then the house according to order Yesterday proceeded to the Consideration of his Excell^{cy} Message touching Imbargoes, and after some time Spent therein

Resolved That the said Message be answered in Writeing as followeth *Viz*

May it please your Excell^{cy}

In answer to your Excell^{cy} Message Yesterday for the opinion of this house concerning the present Imbargoe and Imbargoes in Genll: Wee take leave to represent that we have Seriously considered the several Letters and papers sent to this house with the said Message and particularly their Excell^{cy} the Lords Justices instructions to your Excell^{cy} of the 13th of *September 1698* for the better Security of Merchants Ships in their returne home, from all which we are of Opinion that considering the advices from *England* of the greate probability of a Speedy warr, and that Convoys may be daily expected for the Ships here, the present Imbargoe is Justly and prudently grounded and

1. This should be "from the twentieth of September 1671 to the twenty-fourth of September 1672." See Hening, II, 293.

and may be so continued for those Convoys and wee doubt not but in all cases of Danger due care will be taken in *England* to give timely directions to this Government according to the necessity of the Occasion, in regard their Ex^{cs} the Lords Justices are pleased to conclude their Instructions in this matter in these words *Viz* "And in case of other Danger you are to Expect Directions from hence what precaution shall be necessary for their Security

Ordered That Mr *Speaker* Signe the said Message

Ordered That Mr *Leigh*, Mr *Beverley*, Mr *J Foster*, Mr *Barber*, Mr *Applewaite*, Mr *William Cary*, Mr *Marrable*, Mr *Westcomb* Mr *Cocke* and Mr *Thacker* forthwith carry to his Excel^{cy} the said Message to his Excel^{cy} and to his Excel^{cy} and Council the Copys of the Resolutions of the house according to the Order of this day.

and they being returned Mr *Leigh* reported they had delivered the said Messages according to the Directions of the house

A Petition of Mr *Robert Beverley* (a member of the house) and other papers relating thereto were read the same setting forth that to a Court held for *James City* County the 14th day of *January* 1700 / 1 for laying of that County Levy he did as Burgees for *James City* make his Claime for the Allowance given him by Law &c: and upon the said Courts refusal to give him Such allowance, he prayeth the Consideration of this house &c:

Ordered That the Consideration of the said Petition and papers relating thereunto be referred until *Munday* next

And then the house adjourned til to morrow morning nine a Clock

Saturday May 16th 1702

A MOTION being made that the proposition contained in his Excel^{cy}s and the Councils Message to this house Yesterday be taken into Consideration this morning

Resolved That the house do forthwith proceed to the Consideration of the proposition contained in the said Message and thereupon the same was read and after some time spent therein.

Resolved That a bill be prepared upon the proposition contained in the said Message

Ordered That a Select Com^{tee} be appointed to prepare and bring in the said bill, and accordingly a Com^{tee} was appointed *viz*

Mr *Leigh* Mr *Corbin*

Mr *Beverley* Mr *Bland*

A Com^{tee} for Elections and priviledges

Mr *Gawin Corbin* Chairman

Mr *J Foster* Mr *Cook*

Mr *Harrison* Mr *J Fox*

Ordered That Mr *Miles Cary Junr* be Clerk of the said Com^{tee} and give his Attendance accordingly

Ordered That *Richard Morris John Remington John Hix* and *Anthony Evans* be continued doorkeepers to the house this Session and that they give their respective attendance accordingly

The orders of the house for last Sessions being read at the Table

Resolved That the house do approve of the same and that they shall continue orders for this Session

Ordered That the said Orders ly constantly upon the Table for every members refusal as occasion

Ordered That the house be called over as often as shall be thought convenient and that those members who shall be wanting in their Duty of Attendance be lyable to the Censure of the house

Resolved

Resolved and accordingly ordered That it be a Standing rule of this house that fifteen members with the Speaker shall be a Sufficient number to adjourne

A Committee for publick Claimes

Mr Miles Cary Chairman

Mr Richard Bland.....*Mr Edward Mosely*

Mr Joseph Foster.....*Mr Thomas Cocke*

Mr Thomas Milner.....*Mr Thomas Edmondson*

Mr Henry Applewaite.....*Mr Edwin Thacker*

Ordered That *Mr Miles Cary Junr* be Clerk of this Com^{tee} and give his Attendance accordingly

A Com^{tee} for propositions & Grievances

Mr William Leigh Chairman

Mr Robert Beverly.....*Mr William Cary*

Mr Gawin Corbin.....*Mr Nathaniel Harrison*

Mr William Wilfon.....*Mr Thomas Ballard*

Mr Thomas Baker.....*Mr Mordica Cooke*

Mr James Westcomb

A Motion being made for leave to *Mr Miles Cary* to goe into the Country to Visit a friend who is very sick

Leave was accordingly given him

Ordered That *Mr Miles Cary* attend the Service of the house againe on *Munday* morning next

Ordered That the Com^{tees} have power to adjourne themselves *de die in diem* and to Send for *Persons* records Journals and other papers they shall from time to time have occasion of

Resolved and accordingly ordered That all propositions Grievances and publick Claimes be brought into the house on *Munday* the twenty fifth of this Instant at latest or not to be received into this Sessions of Assembly without Particular leave of the house

Ordered That the Clerk of the house publish the latest time set by the house for receiving propositions Grievances and publick Claimes dureing this Session by setting up a faire Copy of the Resolve of the house made in that behalfe at the doore of the house

Ordered That the Committee of propositions and Grievances inspect the Journal of the last Sessions of Assembly and report to the house what they find necessary to be taken into Consideration this Sessions.

Ordered That the Com^{tee} for publick Claimes inspect the report of the Com^{tee} the last Session of Assembly and report to the house what they find necessary to be further considered this Session

Resolved and accordingly ordered

That all Petitions propositions and Grievances directed for the last Session of Assembly and not then considered be admitted to the Consideration of this Session.

Several publick Claimes from the Countys of

York.....*Charles City*

James City.....*King and Queen*

Northumberland.....*And*

Henrico.....*Surry*

were presented to the house and referred to the Consideration of the Com^{tee} for publick Claimes to Examine the Subject matter thereof and report the same with their opinions therein to the house

A Message in Writeing from his Excel^{cy} and Council by *Mr Robertson*

By his Excel^{cy} and the hon^{ble} Council

The house of Burgeses having by their Message to his Excel^{cy} of yesterday date given their opinion that Considering the advices from *England* of the great probability of A Speedy Warr, and that Convoys may be dayly expected for the Ships here) the present Imbargo is Justly and prudently grounded, and that the same may be so continued

tinued for those Convoys; And forasmuch as it is often found that several Masters of Ships and Vessels, do after Such Imbargoes are laide, and in contempt thereof, run away from this Colony to the great Danger of the Ships and Vessels lying here, in case such Ship or Vessel so running away should happen to be taken by an Enemy, whereby the State and Condition of this Country may be discovered. And whereas such dangerous practices can not be prevented, either by the man of Warr attending here, by reason of the largeness of the Bay, which gives them an opportunity to pass by in the night time without being discovered, nor by the Collectors and Naval officers in regard there is no law to restrain the same. And if the said Ships should happen to Escape being taken, yet their running away gives them considerable advantages in the Sale of their loading, over others who are obedient to the Orders of the Government, to the great encouragement of such evil practices and discouragement of faire Traders

His Excellency and the hon^{ble} Council do therefore propose to this house that a Bill be brought in, to prevent any Ship or Vessel running away after Imbargoes are laide, Enacting that all masters of Ships and Vessels shall be obliged to give bond under a certaine penalty, not to depart this Colony during the continuance of any Imbargo, and also to observe and follow Such rules and directions as shall be thought necessary to be given at the making up of Fleets.

By order of his Excel^{cy} & the hon^{ble} Council

Will Robertson Cl: Gen^l Ass^{br}

Ordered That the said Message do lye upon the Table

Also Mr *Robertson* brought into the house A Petition of Mr *Chicheley Corbin Thacker* for his Usual allowance as Clerk of the Secretarys office, referred from the Council to this house

A Petition of Mr *Chicheley Corbin Thacker* Clerke of the Secretarys office for allowance for Writeing four hundred and nine Military Commissions refer^d from the Council to this house

Which being Severally read.

Ordered That the Consideration of the said Several petitions be referred to the Committee for publick Claimes to report their opinions therein

And also the Grievance of *Charles City* County concerning Courts being held on the North Side the River, and the division of the County &c: referred from the Council to the consideration of this house which being read

Ordered That the Consideration of the said Grievance be referred to the Com^{tee} of Propositions and Grievances to report their opinion therein

The Grievances of Several Inhabitants of *James City* County and the Grievances of Several Inhabitants of *Henrico* County were presented to the house and being Severally read

Ordered That the Consideration of the said Grievances be referred to the Com^{tee} of Propositions and Grievances to report their opinion therein

A Petition of Mr *Chicheley Corbin Thacker* Clerk of *James City* County Court for allowance of 220^{lb} of Tobacco for fees being presented to the house and read

Ordered That the said Petition be referred to the Consideration of the Com^{tee} for publick Claimes to Examine the Subject matter thereof and report the same with their opinion therein to the house

Mr *Leigh* from the Com^{tee} to whom it was referred to prepare and bring in a bill upon the proposition contained in his Excel^{cy} and the Councils Message to the house yesterday—reported that they had prepared the said Bill being Intituled a Bill for the Continuing meeting and Sitting of Gen^l: Assemblies in case of the Death or Demise of his Majesty his heirs and Successors and he presented the said Bill at the Table which was read the first time and after a small Debate

Ordered That the said Bill have a second reading on Munday morning next at Eleven a Clocke

And then the house adjourned til Munday Morning nine a Clocke

Munday

Munday May the 18th 1702

A MOTION being made that the message from his Excell^y and Council to his [this] house on *Saturday* last and the proposition therein Contained be taken into Consideration this morning

Resolved That the house do forthwith proceed to the Consideration of the said Message and proposition and thereupon the same was read

Ordered That the Consideration of the said Message and proposition therein contained be referred to the Committee of Grievances and propositions to report their opinion therein

Then according to order of *Saturday* last, A Bill for the continuing meeting and Sitting of Genll: Assemblys in case of the Death or Demise of his Majestie his heirs and Successors—being read a Second time, and some Amendments agreed upon and made at the Table therein which were twice read

Ordered That the said Bill be Ingrossed with the Amendments and read a third time

Then a Debate arising and the Question put That the said bill be read a third time in the afternoon

Resolved in the affirmative

Then according to order of *ffryday* last a Petition of Mr *Robert Beverley* (a member of this house) and other papers relateing thereto were againe read, the said Petition Setting forth that to a Court held for *James City County* the 14th day of *January* 1700 / 1 for laying of that County Levy he did as Burgefs for *James City* make his Claime for the allowance given him by Law &c: and upon the Courts Refusal to give him such allowance he prayeth the Consideration of the house and then the house proceeded to the Immediate Consideration of the said Petition and other papers relateing thereto, and being in Debate concerning the same was informed that Mr *Robertson* attended at the Doore with a Message

Ordered That the Debate be adjourned to receive the Message

Then Mr *Robertson* brought into the house a Message in Writeing from his Excell^y and the Council *Viz*:

By his Excellency and the hon^{ble} Council

Mr Speaker and Gentlemen of the house of Burgefs

Whereas great Complaints are dayly made by the Captaines of his Majestys Ships of Warr comeing into this Colony as well as by the Masters of Merchants Ships. that their Seamen do frequently desert and run away from their said Ships, to the great prejudice of his Majestys Service, and ruin of Trade, and that the said Seamen are encouraged to do so, by the reception they find amongst the Inhabitants who harbour and Entertaine them. employ them in their owne Service, conceale them when Search is made for them, and often times further their Escapes into the Neighbouring Colonys

1. It is therefore proposed, that some Speedy and effectual care be taken to restraine Seamen belonging to men of Warr or Merchants Ships from deserting their Service.

That a Severe penalty be laid upon such Persons as shall harbour, entertaine, or conceal any of the said Seamen, or aid or Assist them in their running away.

And because the Original of Such evil practices doth frequently proceed from the entertainment they receive at Ordinaries where they Spend there money and get in debt and are often times also encouraged to Steale to Satisfy the said Ordinary Keepers for the same, That therefore an Effectual Restraint be laid upon all Ordinary Keepers from entertaining, harbouring, or trading with such Seamen

2. And whereas during the time of Warr, Enemys Ships hovering about these coasts may send some of their Crew on Shoare to Spy out the Condition of this Country, That therefore no Seamen be Suffered to travel, but such as can give a good Account of themselves and their business, and that care be taken to seize all persons whatsoever whose carriage and deportment shall give Just ground of Suspicion

3. That all masters of Ships or Vessels who in their Voyage to this Country shall take up any men at Sea belonging to any Ships foundered or cast away shall be obliged immediately

immediately upon their Arrival to deliver such men to the Captaine or Commander of the Man of Warr attending this Colony, or to the Collector or Naval officer of the District where they arrive who are to be impowered to Secure and Send the said men on board of the said man of Warr. and also that all Seamen discharged out of any Merchant Ship coming into this Country, shall by the master or Commander be delivered unto the Collector or Naval officer of the District where they ly in order to be sent on board the man of Warr attending here

4. Captaine *James Moodie* Commander of his Majestys Ship the *Southampton* having with great Charge and trouble fitted up a place neare point Comfort in *James River* for careening his Majestys Ships of Warr and also Merchants Ships who shall come in here; It is therefore recommended to the Right Worshipful the house of Burgeses, that the Proposals of the said Captaine *James Moodie* herewith Sent, for keeping up and preserving the same be taken into consideration: The said Careening place being very usefull and necessary as well for his Majestys Ships of Warr as for Merchants Ships.

By order of his Excel^{cy} and the hon^{ble} Council

Will Robertson Cl Genl: Assembly

And also some proposals from Cap^t *Moody* Commander of his Majestys Ship the *Southampton* concerning a place for Careening of Ships; and apprehending Such Seamen as shall desert his Majesties Service &c:

And having delivered the same withdrew

Then the house resumed the adjourned debate concerning the Petition of Mr *Robert Beverley* (a member of the house) and other papers relating thereto, touching his Claim for the Allowance given him by Law as a Burgess for *James City* &c: and after a long Debate and Several Questions put

Resolved that it is the opinion of this house That the *James City* Burgess ought to be paid by those freeholders of the said City and parts adjacent which have a Right to vote

And then the house adjourned til three a Clocke in the afternoone

Post Meridiem

A Message in Writing by his Excel^{cy} and the Council by Mr *Robertson*

By his Excel^{cy} and the Council

Mr Speaker and Genl: of the house of Burgeses

His Excel^{cy} and the hon^{ble} Council understanding that a Bill is prepared by the Com^{tee} appointed for Revival of the Lawes for the better dispatch of publick Letters and there being at this time more then ordinary occasion that Such a Bill should be Speedily past in regard of the present Difficulty of Sending Expresses upon any Emergency do take this opportunity to put the House of Burgeses in mind thereof that the said Bill may be taken into Consideration in the first place.

And whereas in time of Warr it is absolutely necessary that some method be Setled for keeping a constant and frequent Correspondence between this his Majestys Colony and the Governments to the Norward for giving and receiving Intelligence of any Danger threatening us or them It is proposed that a Post be Setled, or such other Method be taken as shall be deemed most convenient for conveying letters and Expresses from hence to *Phyladelphia*, from which place Letters are Conveyed by the Common Post every week to and from *New York* and *Boston*, whereby timely notice may be had of any Invasion or Attempt made in those parts

By order of his Excel^{cy} and the hon^{ble} Council

Will Robertson Cl: Genl Assembly

Several Claimes from the Countys of

York &

Middlesex

were presented to the house and referred to the Consideration of the Committee for Publick Claimes to Examine the Subject matter thereof and report the same with their opinion therein to the house

A Petition of *William Randolph* Clerk of the house of Burgeffes praying his Usual Allowance of three thousand two hundred Pounds of Tobacco for Copys of the Lawes Journals and Duplicates thereof delivered to his Excellency to be sent to his Majesty &c: and also for allowance for a Copy of a Journal and Copys of other papers delivered the hon^{ble} *William Byrd* Esq^r to be sent to the Agent &c: being read

Ordered That the Consideration of the said Petition be referred to the Com^{tee} for Publick Claimes to report their opinion therein

Then according to the order of the Day an Ingrossed Bill Intituled *an Act for continuing meeting and Sitting of Gen^l Assemblys in case of the Death or demise of his Majesty his heirs and Successors* being read the third time

Resolved That the said Bill do pass

Ordered That M^r Cary, M^r Barber, M^r Wilson, M^r ffithugh, M^r Milner, M^r Wynn M^r ffox, M^r Westcomb, M^r Giles, and M^r Catlett forthwith Carry the said Bill to the Council and desire their Concurrence thereto

And they being returned M^r Cary reported they had delivered the said Bill to the Council and desired their Concurrence thereto

Then the Message from his Excellency and Council, and also some propopsals from Cap^t *Moody* Commander of his Majestys Ship the *Southampton*, concerning a place for Careening of Ships and apprehending such Seamen as shall desert his Majestys Service &c: brought into the house this morning was read

Ordered That the Consideration of the said Message and propopsals be referred to the Committee of Propositions and Grievances to report their opinions therein

Then the Message from his Excel^{cy} and the Council brought into the house this afternoon was read and a Debate thereupon ariseing

The Question was put

That the Bill which the Com^{tee} for revival of the Lawes hath prepared concerning dispatch of Publick Expreffes shall be brought into the house before the representation of the said Com^{tee} is taken into consideration

And it passed in the Negative

Ordered That the consideration of the last proposition in the said Message concerning a Post to be Settled or such other Method to be taken as shall be deemed most convenient for conveying letters and Expreffes from hence to *Philadelphia* &c: be referred to the Committee of Propositions and Grievances to report their opinions therein

Then the house adjourned till to morrow morning nine a Clocke

Tuesday May the 19th 1702

A PETITION of M^r *Robert Beverly* (a member of the house) Shewing that by a vote of this house Yesterday the Burgefs for *James City* ought to be paid by those freeholders of the said City and parts adjacent which have a Right to vote and forasmuch as there is no Law hitherto, to levy Such Charges, he prayes that he may be admitted to bring in a Bill for Chargeing the said freeholders with his pay being read

The Question was put

That the Petitioner M^r *Robert Beverley* shall have leave to bring in a Bill

Passd in the Negative

Ordered That the said Petition be rejected

A Petition of *William Randolph* Jun^r Setting forth That the Place of Clerk to the Com^{tee} of propositions and Grievances is become vacant and praying to be admitted to the same

A Petition of M^r *Thomas Holt* Setting forth that M^r *Jones* late Clerk to the Committee of propositions and Greivances had declined to officiate the said place and praying to be admitted to the same, and

A Petition of Mr Orlando Jones Shewing there is a vacancy in the Office of Clerk of propositions and Grievances and praying to be admitted to the said office Were feverally read

Resolved That William Randolph Jun^r be Clerk of the Committee of propositions and Greivances and

Ordered That he give his Attendance accordingly

Certaine Claimes from *New Kent* County were presented to the house and referred to the Consideration of the Committee for Publick Claimes to Examine the Subject matter thereof and report their opinion therein

Ordered That Mr William Tayloe be added to the Com^{tee} for Publick Claimes

And then the house adjourned til two a Clocke in the afternoone

Post Meridiem.

An Ingrossed Bill intituled *an Act for continuing meeting and Sitting of Genll: Assemblies in case of the Death or Demise of his Majesty his heirs and Successors* being returned from the Council by Mr Robertson and with it proposalls of Several Amendments to be made therein which if the house should agree to the Council would agree to the Bill.

The said Amendments were read three times and agreed to by the house and incerted in the Bill accordingly

Ordered That the Persons that carryed the said Bill to the Council do forthwith carry back the same to the Council for their view that the Amendments are made therein according to their proposition

And they being returned Mr Cary reported that they had delivered the said Bill to the Council

Mr Wynne moveing for leave to goe to his owne house in the Country upon very urgent Occasions leave was given him accordingly.

Ordered That he attend the Service of the house againe on *Munday* next

An Ingrossed Bill intituled *an Act for the Continuing meeting and Sitting of General Assemblies in case of the Death or Demise of his Majesty his heirs and Successors* being returned from the Council Assented to

Ordered That the Clerk do forthwith inrole the said Bill in parchment

The Clerk of the house presented the Bill &c inroled in parchment.

Ordered That Mr Leigh and Mr Beverley forthwith Examine the said Bill at the Table

Mr Leigh reported that they had Examined the Bill and that it doth agree with the Ingrossed Bill

A Message from his Excel^{ty} by Mr Robertson
Mr Speaker and Gentlemen of the house of Burgeffes

His Excellency commands the imediate attendance of this house upon him in the Council Chamber and that you bring with you such Bills that you have already prepared for his Excellencys Assent

And accordingly the house went to attend his Excellency

And being returned Mr Speaker acquainted the house his Excel^{ty} was pleased to give his Assent to

The Bill intituled *an Act for the continuing meeting and Sitting of Genll: Assemblies in case of the Death or Demise of his Majesty his heirs and Successors* and afterwards to say to this effect that he was very glad the house had so soone agreed upon the Bill and hoped there would be no other occasion then this for it

Then his Excel^{ty} recommended the Dispatch of what necessary buisiness was before the house for that he dayly Expected the Ships from *England* upon the Arrival of which there would be buisiness Enough for them and us to

And then the house adjourned til to morrow morning nine a Clocke

Wednesday

Wednesday May the 20th 1702

SEVERAL Claimes from the Countys of
Warwick and
Northumberland

Were presented to the house and referred to the consideration of the Committee for Publick Claimes to Examine the Subject matter thereof and report the same with their opinions therein to the house

Ordered That it be referred to the Com^{tee} of Propositions and Grievances to prepare and bring in a Bill upon his Excel^{ty}s and the Councils last Proposition in their Message on *ffryday* last according to the Refolve of the House for preventing the publication and Spreading of false news

The first Clause of his Excel^{ty}s Speech to the house on the thirteenth of this Instant and the representation of the Com^{tee} appointed to revise the Lawes were read and after a Debate

Resolved That It is the opinion of this house That it is not convenient to proceed upon the Revival of the Lawes this Session

Then a motion being made that the house take into consideration the message from his Excel^{ty} and Council on *Munday* last That the Bill which the Com^{tee} for Revival of the Lawes hath prepared concerning dispatch of Publick Expresses &c: shall be brought into the house and a Debate thereupon ariseing

The Question was put

That there is no necessity at this time to make a Law for Settlement of fferrys and Payment of Publick Expresses

Resolved. In the Affirmative

Several Messages in Writeing from his Excel^{ty} by M^r *Robertson viz'*

By his Excellency

M^r Speaker and Ge^{nt}: of the house of Burgeffes.

Whereas the Act made last Sessions of Assembly for Seating the ffronteers with Cohabitations hath hitherto proved ineffectual notwithstanding the further Encouragement given by an Order of Council of the 23^d of *October 1701* A[s] will appeare by the report made upon the said Order herewith Sent

His Excellency proposes that such a number of the house of Burgeffes as shall be thought convenient be joyned with the Committee of the hon^{ble} Council (already appointed) *viz'* The hon^{ble} *William Byrd, Mathew Page, and Benjamin Harrison Esq^r* to confider of the most proper Methods for rendering the Act for Cohabitations more effectuell or on some other way for Secureing the Fronteers

By order of his Excellency

Will Robertson Cl: Ge^{nt}: Aff^{ly}:

Also an Order of Council and the report of the Ge^{nt}: therein appointed to see to the Settlem^t of the Fronteers with Cohabitations &c:

By his Excellency

M^r Speaker and Ge^{nt}. of the house of Burgeffes.

His Excellency having received a letter from M^r *Treasurer Carter* dated the 18th Instant intimateing that there was due by Cap^t *Corbin Griffin* late Naval officer of *Rapahanock* Diftrick at the time of his Death the sum of Seventy two pounds two Shillings Eight pence ariseing by the Imposition on Liquors Servants and Slaves but that he could not tel where to get the money His Excellency being desirous that the house of Burgeffes should have full Satisfaction from time to time in all matters relateing to the ffunds raised by them hath thought fit to lay before them the said letter for their present consideration; that so the Treasurers Accounts may in due time be laid before this Assembly, his Excellency having given Directions that the Several Naval Officers have their Accounts in a readinefs againit the Treasurers comeing to Towne

By order of his Excellency

Will Robertson Cl: Ge^{nt}: Aff^{ly}:

Also

Also a Copy of the letter from Mr Treafurer *Carter* relateing thereto
Several Meffages from his Excel^{ty} and Council viz^t

By his Excel^{ty} and the hon^{ble} Council

Mr Speaker and Gent. of the house of Burgeffes

Upon representation made to his Excel^{ty} and the hon^{ble} Council by the *Chickahominy* Indians that the Surveyor employed for laying out their land pursuant to the Resolves of the Assembly upon y^e refusal of the said Resolves doubted of the meaning of some of them, As whether the two *Herring* Creeks shall bound the Indians Land being in the widest place but three miles a sinder and in some places much narrower when as the Articles of peace gives the Indians three miles round the Indian Towne, and likewise what distance round the Center must be allowed for the Indian Towne, the *Chickahominy* Indians living at the time when the Articles of peace were made in a row at least one mile in length and how the Center may be ascertained—

And in regard his Excel^{ty} and the hon^{ble} Council are Credibly informed that Several persons have Seated on those lands in Controversie, even Since the last Session of Assembly do therefore recommend to the Consideration of the house of Burgeffes the Speedy Setling of that matter that neither the Indians may be disappointed of what was intended them nor his Majestys Subjects delayed in takeing out Patents for such land as is found justly due to them, because after patents are granted to the Indians his Excel^{ty} and the hon^{ble} Council conceive that by the Lawes of this Colony, the Articles of peace made with the said Indians and the Lords Com^{rs} for Trade and plantations their Instructions no person or persons ought to be Suffered to live within the bounds of the said Lands.

By order of his Excel^{ty} and the hon^{ble} Council

Wil Robertson Cl: Gen: Aff^{ty}:

Also a Petition of the *Chickahominy* Indians an Order of the Genll: Court and a Platt of the *Pamunkey* Indians land were brought into the house with it

By his Excel^{ty} and the hon^{ble} Council

Mr Speaker and Gent: of the House of Burgeffes

Whereas some of the Proprietors of the land laid out for the City of *Williamsburgh* have refused to accept the money allowed them for the said Land—It is recommended to the R^t Worshippful the house of Burgeffes to take care therein, that the same may no longer be a discouragement to any persons to take up Lotts, and build in the said City as also that the small out houses belonging to Mr *John Page* standing in the street called *Gloucester* Streete, leading from the College to the Capitol, be paid for, and pulled downe that so the said Street may be regularly laid out

By order of his Excel^{ty} and the hon^{ble} Council

Wil: Robertson Cl: Gen: Aff^{ty}:

By his Excel^{ty} and the hon^{ble} Council

Mr Speaker and Gent: of the house of Burgēfs

There having been some proposals laid before this house this Sessions for an Act restraining Seamen from running away from his Majestys Ships of Warr and Merchants Ships and this petition being now presented to his Excel^{ty} and the hon^{ble} Council they send the same together with a letter from Cap^t *James Moody* Commander of his Majestys Shipp the *Southampton* upon the same Subject to the end the house of Burgeffes may see how necessary such an Act is

By order of his Excel^{ty} and the hon^{ble} Council

Will Robertson Cl: Gen: Aff^{ty}:

Also a Petition of Cap^t *Thomas Lovett* master of the *Loyal Charles* of *Belfast*

Also a letter from Cap^t *Moody* and some Depositions Attested by the Clerke of *Norfolke* Court were brought into the house with it

His Excel^{ty}s Meffage of this day was read wherein his Excel^{ty} is pleased to propose that such a number of the house of Burgeffes as shall be thought convenient be joyned with the Committee of the Council (already appointed) to consider of the most Proper Method

Method for rendering the Act for Cohabitation more effectual or on some other way for Secureing the fronteers and a Debate thereupon arising

The Question was put

That a Committee be appointed to be joyned with the Com^{tee} of the Council to consider of the most proper method for rendering the Act for Cohabitation more effectual or on some other way for Secureing the fronteers

And it pass in the Negative.

His Excel^{cy} Message of this day wherein he was pleased to Signify that he had received a Letter from Mr Treasurer *Carter* dated the 18th Instant intimating that there was due by Cap^t *Corbin Griffin* late Naval Officer of *Rappahanock* District at the time of his Death the Sum of Seventy two pounds two Shillings Eight pence &c: was read together with the Copy of a part of Mr Treasurers letter relating thereto

His Excellency and the Councils Message of this day concerning the *Chickahominy* Indians land together with a Petition of the said Indians and an Order of the Genl: Court being read

Ordered That the Consideration of the said Message and the other papers brought into the house with it be referred to the Com^{tee} of propositions and Grievances to report their opinion therein

His Excel^{cy} and the Councils Message wherein it is Signified that some of the proprietors of the land laid out for the City of *Williamsburgh* have refused to accept the money allowed them for the said land &c Being read

Ordered That the Consideration of the said Message be referred to the Com^{tee} for publick Claimes to report their opinion therein

His Excel^{cy} Message of this day concerning an Act restraining Seamen from running away from his Majestys Ships of Warr and Merchant Ships and the Letters and papers brought into the house with it being read

Ordered That the Consideration of the said Message and the said Letters and other papers brought into the house with it be referred to the Com^{tee} of Propositions and Grievances to report their opinions therein

Ordered That a Copy of the Resolve of this House upon the first Clause of his Excel^{cy} Speech to the house on the thirteenth instant and the representation of the Committee appointed to revise the Lawes be carryed to his Excel^{cy} as an Answer to the said Clause

Ordered That Mr Speaker Signe the said Copy

Ordered That a Copy of the Resolve of the house of this day upon his Excel^{cy} Message wherein he is pleased to propose that such a number of the house of Burgeffes as shall be thought convenient be joyned with the Com^{tee} of the Council to consider of the most proper method for rendering the Act for Cohabitation more effectual or on some other way for Secureing the fronteers be sent to his Excellency as an answer to the said Message

Ordered That Mr *Beverley*, Mr *ffitzhugh*, Mr *Armistead* Mr *Tayloe* Mr *Cocke* Mr *Butt*, Mr *Westcomb*, Mr *Thompson*, Mr *ffoster* and Mr *Giles* carry the Copys of the said Resolves to his Excel^{cy}

A Message from his Excel^{cy} and the Council by Mr *Robertson* Who brought into the house A Petition of Several of the Inhabitants of *Norfolk* County Setting forth Several Grievances of the said Inhabitants

Also the Petition of *William Rudd* Minister of *Norfolke*

Also two orders of the Vestry of *Elizabeth* River Parish in *Norfolk* County.

And an Acco^t of the Charges of the Burgeffes of the said County of *Norfolk*

Which were referred from his Excellency and the Council and Severally read in the house and thereupon the matter therein contained appearing to be frivolous and the said Petition not Attested as the Law directs

Ordered That the said Petitions and papers be rejected

A Petition of *William Chapman* in *Gloucester* County pensioner for his Annual Allowance

And

And a Petition of *Thomas Blount* Interpreter to the Indians on the South Side *James River* were presented to the house and Severally read

Ordered That the Consideration of the said Petitions be referred to the Committee for publick Claimes

A Petition of *Henry Lound* praying allowance for a Negro of his who was Executed for a Capitol Crime being read

Ordered That the said Petition be rejected

And then the house adjourned til to morrow morning nine a Clocke

Thursday May the 21st 1702

A LETTER from Mr Treafurer *Carter* to his Excel^{cy} Signifying the reasons why he can not at present Personally Attend this Assembly was read

Ordered That the Absence of Mr Treafurer *Carter* be Excused and that this house will be content if he send his Accounts of the Impositions made up as farr as he can, so as this Session may be able to know what fund there is in his hands to be drawne upon

Ordered That Mr *Leigh*, Mr *Ballard*, Mr *fitchugh*, and Mr *Robinson* forthwith carry the said Order together with Mr Treasurers said letter to his Excellency

And they being returned Mr *Leigh* reported that they had delivered the said Order and letter to his Excellency

Mr *Beverley* reported that the Persons appointed had delivered to his Excellency the Copy of the Resolve of the house upon the first Clause of his Excel^{cy}s Speech to the house on the thirteenth Instant and the representation of the Com^{tee} appointed to revise the Lawes and the Copy of the Resolves of the house upon his Excel^{cy}s Message wherein he is pleased to propose that such a number of the house of Burgeesses as shall be thought convenient be joyned with the Com^{tee} of the Council to consider of the most proper method for rendering the Act for Cohabitation more effectual or on some other way for Secureing the fronteers according to the Order of the House yesterday

A Petition of *William Bressie* of *Warwick County* praying allowance for his Negro Slave named *Toby* who was killed Pursuant to an Act of Assembly Anno Domini 1692 intituled an Act for Suppressing outlying Slaves—And

A Petition of *John Kimbro* for his Annual pension being severally read

Ordered That the Consideration of the said Petitions be referred to the Com^{tee} for Publick Claimes to report their opinions therein

Mr *Leigh* from the Com^{tee} of Propositions and Grievances reported that the said Com^{tee} had taken into Consideration Several matters to them referred and therein had agreed upon Several Resolutions which he read in his place and afterwards delivered in at the Table where they were againe read and the house proceeded to take the same into imediate consideration

The Claime of Mr *Robert Beverley* for several Services done at the Court for Examining Claimes and titles to *Pamunkey Neck* land for and in behalfe of the *Pamunkey* and *Chickahominy* Indians referred to this Sessions

Ordered That it be referred to the Consideration of the next Session of Assembly

Resolved That it doth appeare to this house that the hon^{ble} *William Byrd* Esq^r hath complied with the request of this house in transmitting to Mr *William Byrd Jun^r* our Agent y^e Several papers and in Writeing to him according to the order of the last Session

Then a report of the said Com^{tee} made upon a Greivance from *Henrico County* concerning Hunting of Wild hogs was read and the house agreed to the report of the Com^{tee} viz^t

That forasmuch as the Com^{tee} for Revival of the Lawes have made provision against hunting and Rangeing upon other peoples Lands that the said Grievance be now rejected. And therefore

Ordered That the said Greivance be rejected

Then

Then a report of the said Com^{tee} made upon a Grievance from *James City* County praying that some Speedy remedy may be had for the prevention of the dayly and frequent preffing of Horses in and about the City of *Williamsburgh* was read and the house agreed to the report of the Committee *viz*

That the same is worthy the Consideration of the next Session of Assembly

Ordered That the said Grievance be referred to the Consideration of the next Session of Assembly

Then a report of the said Com^{tee} made upon a Grievance from *Charles City* County praying a Division may be made of the said County was read and the house agreed to the report of the Com^{tee} *Viz* that it is necessary the said County be divided

Resolved That a Bill be prepared for Division of *Charles City* County

Ordered That it be referred to the Com^{tee} of Propositions and Grievances to prepare and bring in the said Bill

Then a report of the said Com^{tee} made upon the first proposition from *Charles City* County wherein it is proposed that the land on the South Side *Blackwater* Swamp be laid open that the same may be Surveyed and patented as usual was read and the house agreed to the report of the Com^{tee} *viz* that it is for his Majestys Service and the Interest of this Country that the same be laid open

Then a report of the said Com^{tee} made upon the second proposition from the said County of *Charles City* wherein it is proposed that the late line run as the divideing line between the said County and *Surry* County be altered was read and the house agreed to the Report of the Com^{tee} *Viz*

That a Perpendicular be raised upon the *Black Water* Swamp being reduced to a Straite line and the lines run parallel to that Perpendicular from the head of the bounds of each County formerly Setled to the *black Water* Swamp for the divideing lines of each County backwards

Ordered That it be referred to the Com^{tee} of Propositions and Grievances to prepare and bring in an Ordinance for Setling the bounds on the South Side *black Water* Swamp of *Charles City* *Surry* and *Isle* [of] *Wight* Countys according to the said Report and also that a Clause be incerted in the said Ordinance to repeale the Ordinance made the last Sessions for Setling the bounds of the said Countys

Then a report of the said Com^{tee} made upon a Message from his Excel^{cy} and the hon^{ble} Council wherein they propose to the house that a Bill be brought in to prevent and [any] Ships or Vessels running away after Imbargoes are laide Enacting that all masters of Ships and Vessels shall be obliged to give bond under a certaine penalty not to depart this Colony dureing the Continuance of any Imbargo and also to observe and follow such rules and directions as shall be thought necessary to be given in the making up of Fleets was read, and the house agreed to the report of the Com^{tee} *Viz*

That it is necessary a Bill be prepared concerning the same

Ordered That it be referred to the Com^{tee} of Propositions and Greivances to prepare and bring in the said Bill

Then a report of the said Com^{tee} made upon the first Second and third Propositions in the Message from his Excellency and the Council on the Eighteenth Instant concerning Seamen was read and the house agreed to the report of the Com^{tee} *Viz* That the said Propositions be Severally referred to the consideration of the next Session of Assembly

Ordered That the said Propositions be severally referred to the Consideration of the next Session of Assembly

Then a Report of the said Com^{tee} made upon a proposition from Cap^t *James Moody* concerning a Careening place at *Point Comfort*, recommending to the house in his Excel^{cy} and the Councils fourth Proposition in their message on the Eighteenth Instant was read and the house agreed to the Report of the Committee *viz*

That it is a Duty incumbant on the Commanders of his Majest^s Ships and no Concern of this Country

Ordered That the said proposition be rejected

Resolved

Resolved That it is the opinion of this house that the Annual Charge propofed for maintaining the faid Careening place and Work there done far exceeds the Charge of the Work it Selfe

And then the house adjourned til three a Clocke afternoone

Post Meridiem

A Meffage in Writeing from his Excel^{ty} and the Council by M^r Robertson

By his Excel^{ty} and the hon^{ble} Council.

M^r Speaker and Geñt. of the house of Burgeffes

His Excellency and the Hon^{ble} Council having before them a Petition of the *ffrench* Refugees inhabiting at the *Manakin* Towne complaining of the Unequal laying out of their Land and defireing leave to take up more, and alfo a Petition of the faid Refugees defiring that leave may be given to Several other *ffrench* Refugees lately arived here to Settle among them with the fame Priviledges as is now Enjoyed by thofe already feated there—And a propofal of *Solomon De la lieu* another *ffrench* Refugee lately come from *England* being this day prefented to his Excel^{ty} and the hon^{ble} Council upon confideration of the faid Several Papers and of that part of M^r *De la leus* propofeal intimating that Several other *ffrench* Refugees are defirous to come and Settle here his Excel^{ty} and the hon^{ble} Council do herewith fend the faid Petitions and Propofal together with the Platt of the *Manakin* Towne to the house of Burgeffes and defire their opinion whether It is not convenient that the bounds and Quantity of Land to be allowed for the *french* Settlement at *Manakin* Towne and parts adjacent (which by Act of Affembly is Erected into a diftinct parifh be afcertained; and alfo what number of the faid *ffrench* Refugees may conveniently be permitted to fettle there, how fuch as fhall fettle there can be qualified to hold the faid Land; and what may be the eafieft way to Enfure the fame to them

By order of his Excel^{ty} and the hon^{ble} Council

Will Robertson Cl: Geñ: Aff^{rs}:

And alfo M^r *Robertson* brought into the house with the faid Meffage his Maj^{ty}s letter of the Eighteenth of *March* 1699

Alfo a Petition of the *ffrench* Refugees,

Alfo a Letter of M^r *De Jeux* Miniſter.

Alfo ſome propoſals of *Solomon De la lieu* a *ffrench* Refugee lately arrived

And alfo a liſt of the people at *Manakin* Towne all which being read

Ordered That the Confideration of the faid Meffage Letter and other papers be referred to the Committee of Propoſitions and Grievances to report their opinions therein

A Petition of M^r *Robert Beverley* praying allowance for ten months Service as a Look out at *Point Comfort* in *Eliz: City* County &c: was read

Ordered That the Confideration thereof be referred to the Committee for Publick Claimes to report their opinion therein

Several Claimes from the Countys of

Accomack and

Northampton

Were prefented to the house and referred to the Committee for Publick Claimes to Examine the Subject matter thereof and report their opinions therein to the house

And then the house adjourned til to morrow morning nine a Clocke

Fryday May the 22^d 1702

SEVERAL Claimes from the Countys of
Lancaster
Elizabeth City and
King and Queen

Were prefented to the house and referred to the Confideration of the Com^{tee} for Publick Claimes to Examine the Subject matter thereof and report the fame with their opinions therein to the Houſe

The

The Returne upon the Writt for Election of a Burgeis in *New Kent* County in the roome of Mr *Gideon-Macon* Dec^d:—And

The Returne upon the Writt for Election of a Burgeis in *King* and *Queen* County were Severally read

Ordered That the Consideration of the said Several Returnes be referred to the Com^{tee} for Elections and Priviledges forthwith to Examine the same and report their proceedings and Opinions therein to the house

Two Messages from his Excel^{ty} and the Council by Mr *Robertson Viz*,

By his Excel^{ty} and the hon^{ble} Council

Mr Speaker and Gent: of the house of Burgeses

When his Excellency called this Session of Assembly he was in hopes ere this to have received several orders and Directions from *England* which occasioned his delaying to Speake to this House hitherto and did only recommend the Revival of the Lawes but that matter being at an End by your Resolve delivered in yesterday His Excel^{ty} and the Hon^{ble} Council do now recommend to the Serious consideration of this House the State of the Militia of this Country and take it for granted no man doubts of the certainty of Warr being intended with *ffrance* and consequently of the Danger wee are in of being attacked by that Enemy and how well provided wee are for Such a Defence as is necessary may plainly appeare by the Lifts of the Militia now laid before this house, by the Computation of the last Lifts returned it is Evident that there are only ten Thousand and some odd hundred Militia in all the Colony includeing Officers which were indeed a Considerable force were they all duly armed, and provided with Amunition, or could be drawne together in any Competent time, But if they were all mett together not one fourth of them suitably Armed could be drawne out nor is there Sufficient Amunition in the Country as may appeare by the account of it taken after last Session of Assembly and the Inhabitants living at so great a Distance from one another and have so many Rivers and Creeks to pass that it will be very difficult to get any Competent number together to make head against an Enemy—His Excel^{ty} and the hon^{ble} Council think themselves obliged to put the house of Burgeses in mind of the defenceless Condition of this Country and doubt not but that they will take effectual care that the Country be provided with Armes and Amunition for its necessary defence in a time of such apparent Danger, and also that some method be taken for the more convenient Transportation of forces over Rivers and Creeks as occasion shall require

By order of his Excel^{ty} and the Hon^{ble} Council

Will Robertson Cl: Gen^l: Assembly

His Excellency herewith Sends the Votes of the House of Commons in *England* whereby it appears that they have provided every thing as if there were an Actual Warr

Also Mr *Robertson* brought into the house with the said Message several other papers relateing thereto and his Excel^{ty} said Message being read

Ordered That the Consideration of the said Message and other Papers relateing thereto be referred to the Committee of Propositions and Grievances to report their opinions therein

By his Excel^{ty} and the hon^{ble} Council

Mr Speaker and Gent: of the house of Burgeses

Whereas some Disputes have lately hapned between the Inhabitants of this Colony on the Eastern Shore and those of *Maryland* concerning some lands lying on or about the Divisional line run between the two Countrys and at the last Gen^l Court held in *Aprile* a Pattent having been presented to be Signed by his Excel^{ty} to Mr *ffrancis Mackenny* and others for a certaine quantity of Land lying on the Eastern Shore, a Caveat was Entered by Colonel *Charles Scarborough*, for that the said Patent incroached upon the Rights of the Inhabitants of *Maryland* And there being also a Petition presented to his Excel^{ty} and Council by *Hill Drummond* of *Accomack* County Com-
plaining of a forceable Entry Committed by one *John Pope* of *Somerset* County in
Maryland

Maryland and upon a certaine Plantation for which the said *Drummond* hath Patent and pays Quitt Rents His Excel^{cy} and the hon^{ble} Council recommend the same to the R^t Worshipful the house of Burgeffes that effectual care be taken to protect his Majestys Subjects of this Colony in their Rights and propertys to ascert his Majestys Right to the Quitt Rents and that the bounds between this Colony and *Maryland* may be ascertained in order to remove all manner of Differences that may be occasioned between the two Governments for the future on that Account

By order of his Excel^{cy} and the hon^{ble} Council

Will Robertson Cl: Genl: Assembly

Also Mr *Robertson* brought into the house with the said Message a Patent for land to be granted *francis Mackenny* and others (the said Patent not being Signed

A Caveat entered in the Secretarys office by *Charles Scarborough* Esqr: and

A Petition of *Hill Drummond* to his Excel^{cy} and Council and his Excel^{cy}s message being read

Ordered That the Consideration of the said Message and Papers be referred to the Committee of propositions and Grievances to report their opinions therein

Mr *Leigh* from the Committee of Propositions and Greivances to whom it was referred to prepare and bring in Several Bills and an Ordinance Viz:

A Bill upon his Excel^{cy}s and the Councils last Proposition in their Message of the fifteenth Instant for preventing the publication and Spreading of false news

A Bill for Division of *Charles City* County

A Bill to prevent any Ships or Vessels running away after Imbargoes are laid

And an Ordinance for Setling the Bounds of *Charles City Surry* and *Isle of Wight* Countys on the South Side the *Blackwater* Swamp.

Reported that the said Com^{tee} had prepared the said Bills and Ordinance accordingly and had Entituled them Viz:

A Bill concerning publishing News

A Bill for dividing *Charles City* County

A Bill prohibiting masters of Ships or Vessels running away when Imbargoes are laid

And an Ordinance of Assembly for Setling the Divideing lines between the Countys of *Isle of Wight Surry Charles City* and *Nansemond* and then presented the said Bills and Ordinance at the Table

Mr *Leigh* from the Com^{tee} of Propositions and Greivances reported that the said Committee had taken into consideration several matters to them referred and therein had agreed upon Several resolutions which he read in his place and afterwards delivered in at the Table

Ordered That the said Report lye upon the Table

Mr *Corbin* from the Com^{tee} of Elections and priviledges reported that the said Com^{tee} had taken into Consideration the two Returns of Elections committed to them and had therein agreed upon two Resolutions which he read in his Place and then delivered them in at the Table where being againe read

The house took the same into imediate Consideration and agreed upon this Resolution as followeth

Resolved That *William Basset* Gent: is duly Elected and Returned a Burgefs to Serve in this present Genll Assembly for *New Kent* County

Then the Report made upon the Returne of the Writt for Election of a Burgefs in *King* and *Queen* County being read and it appearing that the said Report was not quite full enough

Ordered That the Com^{tee} withdraw and amend the said Report

Mr *Corbin* from the Com^{tee} of Elections and Priviledges reported that the said Com^{tee} had further considered the Return upon the Writt for Election of a Burgefs in *King* and *Queen* County and had agreed upon some Amendments to the former Report and come to a Resolution upon the said Return which he read in his place and then delivered it in at the Table where the same was againe read Viz:

Resolved

Resolved That Mr *William Byrd* is returned duly Elected a Burgess for *King* and *Queen* County but forasmuch as the said *Byrd* is returned by the Sheriff of the said County to Serve as a Burgess in the next Genl: Assembly as also the Date of the said Returne imperfect the same is therefore Submitted to the Consideration of the house

And the house took the same into immediate Consideration and agreed upon these Resolutions following

Resolved That it is the opinion of this house That Mr *William Byrd* is duly Elected a Burgess for *King* and *Queen* County

Resolved That Mr *John Walker* Sheriff of *King* and *Queen* County hath made an Imperfect Returne upon the Writt for Election of a Burgess for the said County

Ordered That Mr *John Walker* Sheriff of *King* and *Queen* County be Sent for in Custody of the Messinger of the house to Amend his Returne made upon the said Writt for Election of a Burgess in the said County and that Mr *Speaker* issue his Warrant accordingly

Ordered That a Petition of Mr *Callets* referd from his Excel^{ty} and the Council for Allowance for takeing the Lifts of the Militia: &c be rejected.

The Certificate of the hon^{ble} *Edmund Jennings* and *John Lightfoot* Esq^{rs} Com-missionated to administer the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, the Test and Affociation and the Oath of a Burgess to new Elected members of this present Genl: Assen^y That they had tendred the Oaths aforesaid &c: to Colonel *William Basset* who returned this following answer viz: "I have already in Several Qualifications testified my Allegiance to King *Williams* Government by takeing the Oaths &c but I am now Informed and fully Satisfied he is dead and therefore I think my Selfe obliged both in Prudence and Conscience to decline takeing the Oath to him at this time was read

Ordered That the said Certificate ly upon the Table

A Bill concerning publishing News being read the first time

Ordered That the said Bill be read a Second time

A Bill for divideing *Charles City* County being read the first time

Ordered That the said Bill be read a Second time

A Bill prohibiting Masters of Ships or Vessels running away when Imbargoes are laid being read the first time

Ordered That the said Bill be read a Second time

An Ordinance of Assembly for Setling the divideing Lines between the Countys of *Isle of wight*, *Surry* and *Charles City* was read

A Motion thereupon was made that the bounds between *Nansemond* and *Isle of wight* Countys be also Setled on the South Side the *black Water* Swamp according to the Courfes of the divideing lines between the other Countys in the said Ordinance mentioned

The said Motion was agreed to by the house and *Nansemond* County was incerted in the said Ordinance And being read.

Resolved That the house doth agree to the said Ordinance

Ordered That the said Ordinance be fairly Transcribed and Sent to the Council for their Concurrence

Mr *Robert Beverley* moveing for leave to go to his owne house in the Country upon Extraordinary Occasions Leave was accordingly given him

Ordered That he Attend the Service of the house againe on *Tuesday* next

Mr *Bland* moveing for leave to go to his own house in the Country upon Extraordinary Occasions Leave was accordingly given him

Ordered That he Attend the Service of the house againe on *Tuesday* next

Mr *Cary* from the Com^{tes} for publick Claimes to whom was referred his Excel^{ty} and the Councils Messages wherein it is Signified that some of the Proprietors of the Land laid out for the City of *Williamfburgh* have refused to accept the money allowed them

them for the said Land &c: reported that the said Com^{tee} had agreed upon some Resolutions therein which he read in his place and then delivered the same in at the Table

Ordered That the said Report ly upon the Table

And then the house adjourned til to morrow morning nine a Clocke

Saturday May the 23^d 1702

MR Leigh from the Committee of Propositions and Grievances reported that the said Com^{tee} had taken into Consideration Several matters to them referred and therein had agreed upon Several Resolutions which he read in his place and afterwards delivered in at the Table where the same were againe read and the house proceeded to take the same into imediate Consideration

Then a report of the said Com^{tee} made upon the first part of the Message from his Excel^{cy} and the hon^{ble} Council on the twenty first Instant desiring the opinion of the House whether it is not convenient that the bounds and quantity of Land to be allowed for the french Settlement at the *Manakin Towne* and parts adjacent which by Act of Assembly is Erected into a Distinct parish be ascertained was read and agreed to by the house *Viz*:

That the bounds and Quantity of land to be allowed for the french Settlement at the *Manakin Towne* and parts adjacent be ascertained according to his Majestys letter dated at *Kensington* the Eighteenth of *March* 1699

Then a Report of the said Com^{tee} made upon the second part of his Excel^{cy}s and the hon^{ble} Councils said Message desiring the opinion of the House what number of the french Refugees may conveniently be permitted to Settle at the *Manakin Towne* being read

The house agreed to the said Report *Viz*:

That it be Submitted to his Excellency and the hon^{ble} Council to act therein as they think fitt

Then a Report of the said Com^{tee} made upon the third part of his Excel^{cy}s and the hon^{ble} Councils said Message desiring the opinion of the house how such as Settle at the *Manakin Towne* can be qualified to hold the said Land and what may be the easiest way to Ensure the same to them being read.

The house agreed to the said Report *Viz*:

That such of the said Refugees as Setled at the said *Manakin Towne* shall hold their said Lands as the rest of his Majestys Subjects in this Colony and Dominion do

Then a report of the said Com^{tee} made upon his Excel^{cy}s and the hon^{ble} Councils message of the two and twentieth Instant recommending to the house to Assert his Majestys Right to the Quitt Rents on the Easterne Shoare and that the bounds between this Colony and *Maryland* may be ascertained in order to remove all manner of differences that may be occasioned between the two Governments for the future being read

Ordered That the Consideration of the same be referred to the next Session of Assembly

Then a Report of the said Committee made upon that part of his Excel^{cy}s and the hon^{ble} Councils said Message on the two and twentieth Instant recommending to the Serious Consideration of this house the State of the Militia of this Country and proposing that they will take effectual care that the Country be provided with Armes and Amunition for its necessary Defence in a time of Such apparent Danger being read

The house agreed to the said Report *viz*:

That being Sencible that Since the last Returns of the Militia Lists there has been great quantitys of Armes and Amunition brought into this Country So that it is beleived there is Sufficient therein for the present Defence thereof yet notwithstanding it is conceived worthy the consideration of the next Session of Assembly to make further provision for the Setling the whole Militia of this Country.

Ordered

Ordered That the Consideration of the same be referred til the next Session of Assembly

Then a Report of the said Committee made upon that part of his Excel^{cy} and the hon^{ble} Councils said Message propoising that some Method be taken for the more convenient transporting of forces over Rivers and Creeks as occasion shall require being read

Ordered That the Consideration of the same be referred to the next Session of Assembly

The Ordinance of Assembly for the divideing lines between the Countys of *Isle of wight, Surry, Charles City* and *Nansemond* being fairly Transcribed and presented by the Clerk at the Table

Ordered That Mr *Harrison* and the Burgeesses of those Countys forthwith carry the said Ordinance to the Council and desire their Concurrence thereto

And they being returned Mr *Harrison* reported y^t they had delivered the said Ordinance to the Council and desired their Concurrence thereto

Then a Motion being made the house took into Consideration the report of the Com^{tee} of Propositions and Grievances delivered in at the Table yesterday

And thereupon a report of the said Com^{tee} upon a Petition of *Thomas Lovett*, together with a letter from Cap^t *James Moody* to his Excel^{cy} mentioned in his Excel^{cy}s and the hon^{ble} Councils Message to the house on the twentieth Instant to the End the house of Burgeesses might See how necessary it is for an Act to be made prohibiting Ordinary Keepers to Entertain Seamen &c being read, the house agreed to the said Report of the Com^{tee} Viz:

That the Subject matter of the said Message is already answered by the order of the house upon the Report of the Committee made upon his Excel^{cy}s and the Councils their propositions to the house in their Message on the Eighteenth Instant

Ordered That the same be referred to the next Session of Assembly

Then a Report of the said Committee made upon his Excel^{cy}s and the hon^{ble} Councils Message to the house on the twentieth Instant recommending to the Consideration of the house the Speedy Setling of the *Chickahominy* Indians land being read

The house agreed to the Report of the said Com^{tee} Viz:

That the two *herring* Creeks and *Mattapany* River be the bounds for the three Sides of the *Chickahominy* Indians land if the Creeks run so farr and that for laying out the three miles from the Towne backwards the Surveyor make his Center in the middle of the line of Cabbins where the said Indians were Seated

Then a Motion being made the house took into Consideration the report of the Com^{tee} of Claimes delivered in at the Table yesterday

And thereupon a Report made upon his Excel^{cy}s and the Councils Propositions to the house that some of the proprietors of the Land laid out for the City of *Williamsburgh* have refused to accept the money allowed them for the said Land to the discouragement of Persons takeing up Lotts and building in the said City being read. The house agreed to the report of the said Committee and accordingly

Ordered That the further Consideration of the same be referred to the Committee appointed to revise the whole body of the Lawes of this Dominion for some effectual course to be taken therein for the Confirmation of Such Land as the Proprietors refuses to accept of the money ordered by the last Genll: Assembly to the Trustees of the said City of *Williamsburgh* for them in full satisfaction for their said land

Then a Report of the said Com^{tee} concerning the pulling down the small out houses belonging to Mr *John Page* standing in the Streete called *Gloucester* Street being read

The house agreed to the Report of the said Committee and accordingly

Ordered That the pulling down the small outhouses belonging to Mr *John Page* standing in the Street called *Gloucester* Street be likewise referred to the Consideration of the Committee appointed to revise the Lawes to make Suitable provision therein

A Petition of Mr *Benjamin Harrison* Jun^r praying that (forasmuch as the Burgeesses of *Charles City* County live both on the South Side of the River the Inhabitants of the north:

north part of the said County may have notice given them of the intended Division of the said County to the end they and the petitioner may be heard against the bill for dividing the said County before the passing thereof at such time as shall be appointed for that purpose, being read

Ordered That the Consideration of the said Petition be referred until the Bill for dividing the said County of *Charles City* be read the second time.

Ordered That the Bill for dividing *Charles City* County be read a second time on *Wednesday* next

A Bill prohibiting Masters of Ships or Vessels running away when Imbargoes are laid being read the second time

Resolved That the title of the said Bill be A Bill to prevent masters of Ships or Vessels running away after Imbargoes are laid

Then a Debate arising The Question was put

That a Temporary Clause be added to the said Bill

And. It passed in the Negative

Then the Question was put

That the said Bill be committed for Amendment

Resolved in the Affirmative

Ordered That the said Bill be committed to Mr *Cary* and Mr *Harrison* for Amendments

Then Mr *Robertson* brought into the house an Ordinance of Assembly for Settling the Dividing lines between the Countys of *Isle* [of] *Wight*, *Surry*, *Charles City* and *Nansemond* and having acquainted the house that the Council agreed to the same with some Amendments did withdraw

And then the said Amendments being read and agreed to by the house were inserted in the said Ordinance

Ordered That Mr *Harrison* and the Burgesses of those Countys carry back to the Council the said Ordinance for their view that the Amendments proposed by them are agreed to and inserted in the Ordinance

And they being returned Mr *Harrison* reported that the Persons appointed had carried back the Ordinance to the Council for their view That the Amendments were agreed to according to their Honours proposition and inserted in the Ordinance and brought the said Ordinance againe to the house

Ordered That the said Ordinance be fairly transcribed for his Excell^{ty} Signing

Ordered That it be referred to the Com^{tee} of Propositions and Grievances to prepare and bring in an Answer upon the Several Messages of his Excell^{ty} and the Council to this house (which are not already Answered according to the Several Resolutions of the house

A Petition of Several Inhabitants at the head of the Southern Branch precinct of the County of *Norfolke* living betwixt the great bridge and the *Nor-West* River referred by the Council praying that the roade formerly cleared there may not be turned or Altered &c: being read

Resolved That the said Petition is not attested as the Law directs and that the Inhabitants in those parts may have releife in the County Court

Ordered That the said Petition be rejected

A Petition of Mr *John Waller* late Sheriff of *King* and *Queen* County praying the allowance of 2590 pounds of Tobacco for Sundry Services in Execution of *Darby Colnon* a Criminal referred by the Council being read

Ordered That the Consideration of the said Petition be referred to the Com^{tee} for Publick Claimes to report their opinion therein

A Petition of Mr *Dionisius Wright* referd by the Council praying that fifteen hundred Pounds of Tobacco and Caske may be proportioned to *Timothy Medcalfe* out of the Eleven thousand Pounds of Tobacco allowed him the said *Wright* the last Sessions being by him assigned the said *Medcalfe* being read

Ordered

Ordered That it be an Instruction to the Committee of proportions that ihall be appointed to proportion the said fifteen hundred pounds of Tobacco to the said *Med-calse* according to the request of the petitioner

A Petition of Mr *John Gladwin* referred from the hon^{ble} Council praying that he may be appointed messinger or Post from *potomack* River to the City of *Williamsburgh* &c: being read

Ordered That the Consideration of the said Petition be referred to the next Session of Assembly

Then a Motion being made and the Question put that the house be adjourned til *Tuesday* morning next It past in the Negative

And then the House adjourned til *Munday* two a Clock afternoone

Munday May the 25th 1702

MR *Cary* from the persons to whom the Bill to prevent Masters of Ships or Vessels running away after Imbargoes are laid was committed for Amendm^{ts} reported that they had made some Amendments to the bill which they had directed him to report to the house which he read in his place and afterwards delivered in at the Table where the same were twice read and agreed unto by the house

Ordered That the said Bill with the Amendments be ingrofed and read a third time

A Bill concerning publishing News being read the second time

After a Debate the Question was put

That the said Bill be ingrofed and read a third time and it passed in the Negative

Ordered That the said Bill be rejected

Ordered That the subject matter of the said Bill be referred to the Consideration of the next Session of Assembly

Ordered That Mr *Speaker* forbear to issue his Warrant for Mr *John Walker* Sheriff of *King* and *Queen* County (according to the Order of the house on *ffryday* last) until further orders from the house

Then the house adjourned til to morrow morning 9 a Clocke

Tuesday May the 26th 1702

MR *Leigh* from the Committee of propositions and Grievances to whom it was referred to prepare and bring in an Answer upon the several Messages of his Excel^{cy} and the Council to this house (which are not already answered) according to the Several Resolutions of the House reported that they had prepared the said Answer and directed him to report the same which he read in his place and afterwards delivered in at the Table where being againe read and after Several Amendments made at the Table and incerted therein the same was agreed to by the house and was as followeth

May it please your Excel^{cy} and Hon^{rs}

Wee his Majesty's Loyal and dutiful Subjects the Burgeffes now Assembled having taken into our Serious Consideration your Several Messages to this house this Session humbly take leave to represent to your Excel^{cy} and Hon^{rs} our Several Resolutions and proceedings upon such of them as have not been already answered--As to the last Clause of your Message on the fifteenth Instant wherein it is proposed That a Law be made for preventing the publication and Spreading of false news Wee have Resolved that the same be referred to the next Session of Assembly--As to your Message on the Sixteenth Instant wherein it is proposed that a Bill be brought in to prevent any Ship or Vessel running away after Imbargoes are laid Wee have prepared a Bill for preventing the same As to your three propositions on the Eighteenth Instant concerning Seamen Wee have resolved that they be Severally referred to the next Session of Assembly.

And

And as to the proposition of Cap^t *James Moody* concerning a Careening place at *Point Comfort* Wee are of opinion that the Annual charge proposed for maintaining the said Careening place and work there done far exceeds the Work it Selfe and therefore have rejected the proposition. As to your Message on the twentieth Instant wherein the Speedy Settling the *Chickahominy* Indians land is recommended to the house Wee are of opinion that the two *Herring* Creeks and *Mattapany* River be the bounds for the three Sides of the *Chickahominy* Indians land if the Creeks run so far and that for laying out the three miles from the Towne backwards the Surveyor make his Center in the middle of the line of Cabbins where the said Indians were Seated. As to the first part of your Message on the twenty first Instant concerning the french Refugees bounds and quantity of land to be allowed for the french Settlement at the *Manakin* Towne and parts adjacent Wee are of opinion that the same be allowed and ascertained according to his Majestys letter dated at *Kinsington* the 18th of *March* 1699 As to the second part of the said Message desiring the opinion of the house what number of the french Refugees may conveniently be permitted to Settle at the *Manakin* Towne Wee Submit the same to your Excel^{cy} and the hon^{ble} Council to Act therein as you think fitt. As to the third part of the said Message desiring the opinion of the house how such as Settle at the *Manakin* Towne can be qualified to hold the said Land and what may be the easiest way to ensure the same to them Wee are of opinion that such of the said Refugees as settle at the said *Manakin* Towne shall hold their said Lands as the rest of his Majestys Subjects in this Colony and Dominion do As to your Message on the 19th Instant that some of the proprietors of the land laid out for the City of *Williamsburgh* have refused to accept the money allowed them for the said land to the Discouragement of Persons takeing up Lotts and building in the said City Wee have resolved that the further Consideration of the same be referred to the Committee appointed to revise the whole body of the Lawes of this Dominion for an Effectual way to Confirm the said land to the Trustees of the said City of *Williamsburgh* As to your Message of the 22^d Instant recommending to the house to Assert his Majestys Right to the Quitt Rents on the Eastern Shore and that the bounds between this Colony and *Maryland* may be ascertained in order to remove all manner of differences that may be occasioned between the two Governments for the future Wee have Resolved that the Consideration of the same be referred to the next Session of Assembly. As to your Message on the 22^d Instant recommending to the Serious Consideration of this house the State of the Militia of this Country and proposing that effectual care be taken for providing the Country with Armes and Amunition for its necessary defence in a time of such apparent Danger Wee are Sencible that since the last returns of the Militia lists there has been great quantitys of Armes and Amunition brought into this Country so that it is beleived there is Sufficient therein for the present Defence thereof yet notwithstanding Wee are of opinion that it is worthy the Consideration of the next Session of Assembly to make further provision for the Settling the whole Militia of this Country but least between this and then any Extraordinary Emergency should happen in a time of Recess, as an Alarm, Surprize, or Invasion from all which we hope God of his infinite Mercy will preserve and keep us) for the Security and defence of this Dominion upon such an Accident, without the Charge of a Standing force, Wee leave it to your Excellency till the next Session of Assembly with the advice of his Majestys Hon^{ble} Council on Such occasion to levy Suitable and Competent forces, to be paid by the publick to disband the same again as the cause of Danger ceases for which they were raised, and Wee desire the hon^{ble} Council will be pleased to concur with us in this particular. As to that part of the said Message proposing that some Method be taken for the more convenient transporting of forces over Rivers and Creeks as occasion shall require Wee have resolved That the Consideration of the same be referred to the next Session of Assembly. As to the Petition of *Thomas Lovett* together with a letter from Cap^t *James Moody* to your Excel^{cy} mentioned in your Excel^{cy}s and the hon^{ble} Councils Message to the house on the 20th Instant to the End the house of Burgeesses might See how necessary it is for an Act to be made prohibiting Ordinary Keepers to Entertaine Seamen &c Wee are

of opinion that the Subject matter of the said Message is already answered by the order of the house made upon your Excell^{ys} and the hon^{ble} Councils three propositions to the house in your Message on the 18th Instant

Ordered That the said Answer be fairly transcribed and that the Com^{tee} who prepared the same do present the said Answer to his Excel^{cy} and the hon^{ble} Council

An Ingrossed Bill intituled *an Act to prevent Masters of Ships or Vessels running away after Imbargoes are laid* being read the third time

Resolved That the said Bill do pass

Ordered That the Com^{tee} appointed to present the answer of this house upon the Several Messages of his Excel^{cy} and the Council do also carry the said Ingrossed bill to the Council and desire their concurrence thereto—And they being returned M^r Leigh reported that they had delivered the said Answer to his Excel^{cy} and Council and the Ingrossed Bill to the Council and desired their Concurrence to the said Bill

A message from his Excel^{cy} and the Council by M^r Robertson

By his Excel^{cy} and the hon^{ble} Council

M^r Speaker and Gent of the house of Burgeffes

Whereas this years publick Levy must necessarily be greater then what it hath usually been by the concurring Charge of two Assemblies and the number of Tythables, being in all probability very considerably increased since last lifts was taken, his Excel^{cy} and the honourable Council judge it expedient that the levy be laid by a new list of Tythables to be taken this yeare and do therefore propose that an Ordinance of Assembly be made enjoining the Several County Courts upon taking the Lifts of Tythables in their respective precincts to direct that a true Copy of the said Lifts be delivered to the Sheriff of the respective Countys who is to be ordered to transmit the same to the Sec^{rys} office by the twentieth day of *June* next, to the end the publick levy may be equally laid

By order of his Excel^{cy} and the hon^{ble} Council

Will Robertson Cl: Gent: Assembly

His Excellencies and the Councils said Message being read

Ordered That the consideration of the said Message be referred til the Com^{tee} for publick Claimes bring in their report

M^r Cary from the Com^{tee} of Claimes reported that the said Com^{tee} had agreed upon a proposition That the lifts of Tythables in the several Countys of this Dominion be taken and returned to the Secretarys Office by the twentieth of *July* next to the end the ensuing Levy may be laid by the same, which he read in his place and then delivered it in at the Table where the same being againe read

The house proceeded to take into consideration the said proposition together with his Excel^{cy}s and the Councils Message of this day upon the same head and after some time Spent therein

Ordered That his Excel^{cy} the Governour be desired to issue his Orders to the respective Justices appointed to take the lifts of Tythables in the several Countys of this Dominion for this present yeare to returne the lifts they take to the respective County Court Clerks So as the said Clerks may be able to returne a Copy or Certificate of the same to the Secretarys office by the twentieth of *July* next

Ordered That his Excel^{cy} be desired to require the several County Court Clerks to make due returne to the Secretarys office according to the Tenor of the abovesaid order

Ordered That the Concurrence of the honourable Council be desired to the abovesaid order and that the Com^{tee} of Claimes desire the same

And they being returned M^r Cary reported that they had delivered the said Message and desired the Councils concurrence thereto

And then the house adjourned til to morrow morning nine a Clock.

Wednesday

Wednesday May the 27th 1702

THE Certificate of the hon^{ble} *Edmund Jennings* and *John Lightfoot* Esq^{rs} Commissionated to administer the oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy the test and Affoatation and the Oath of a Burgeſſs to the new Elected Members of this present Genll: Assembly, that they had tendred the Oaths aforesaid &c: to Mr *William Bird* a new Elected member for *King* and *Queen* County who returned this following Answer Viz: "I have on Several Occasions shewed my Obedience to his Majesty "King *William* and Should be as ready at this time but now I am informed that he is "dead the which I beleive, and for that reason I think in conscience I ought not to "take the Oath I therefore desire to be Excused

Ordered That the said Certificate ly upon the Table

A Bill for divideing *Charles City* County according to order of *Saturday* last was read the Second time

And also the petition of Mr *Benjamin Harrison* Junior against the said Bill

And thereupon the said *Benjamin Harrison* Jun^r was called into the house and was heard what he had to Say against the Bill and then he withdrew and being withdrawne

The Question was put. That the said Bill be ingrossed.

And it past in the Negative.

Ordered That the said Bill be rejected

Ordered That the Division of *Charles City* County into two Countys be referred to the consideration of the next Session of Assembly

A Petition of Mr *James Taylor* in behalfe of himself and other freeholders of *King* and *Queen* County complaining of an undue Election of a Burgeſſs for the said County being read

Ordered That the said Petition ly upon the Table

A Message from his Excel^{ty} by Mr *Robertson*

Mr Speaker and Gent: of the house of Burgeſſes

Upon considering the message Sent by the house of Burgeſſes to his Excel^{ty} desiring that his Excel^{ty} issue his Order to the respective Justices appointed to take the list of Tythables in the Several Countys of this Dominion for the present yeare to returne the said Lists to the respective County Court Clerks in order to be transmitted to the Secretarys office: his Excel^{ty} thinks fit to acquaint this house that he intends to put an End to this Session of Assembly to morrow or *ffryday* but because he is in dayly Expectation of the coming of the men of Warr and receiving Orders from *England* he doth not think convenient to prorogue the same longer then the Eighteenth of *June* and therefore proposes to this house that the time for y^e returning the said Lists of Tythables to the Secretarys office be limited to the first day of *July*

By order of his Excel^{ty}

Wil Robertson Cl: Gen: Assembly

The said message being read

Resolved That this house doth agree to his Excel^{ty}s propositions Viz:

That the time for returning the Lists of Tythables to the Secretarys Office be limited to the first day of *July* next

Ordered That the Com^{tees} of Claimes who carryed the order of the house of *Tuesday* last to the Council for their Concurrence do likewise carry a Copy of this Resolve and desire their honours Concurrence thereto

And they being returned

Mr *Cary* reported they had delivered a Copy of the Said Resolve to the Council and desired their concurrence thereto

A Message from the Council by Mr *Robertson*

By y^e hon^{ble} Council

Mr Speaker and Gent: of y^e house of Burgeſſes

Upon reading that paragraph of your Address presented to his Excel^{ty} and the Council Yesterday, wherein you leave it to his Excel^{ty} til the next Session of Assembly with

with the advice of the Council to levy Competent forces upon any Extraordinary Emergency as an Alarm Surprize or Invasion and to which you desire the Councils Concurrence Their Hon^{rs} are of opinion that in the second line of the said paragraph between the Word (Surprize) and the word (or) the Word (Insurrections) ought to be inserted first because it was so in the Resolve of this house the last Session on that Subject and Secondly they conceive the other Words Alarm Surprize or Invasion do not fully provide for Suppressing any rising that may happen to be made by Servants or Slaves And that in the Sixth line of the said paragraph immediately after the word (publick) the word (and) be inserted which Amendments being made the Council agree to the aforefaid paragraph of your Address

By order of the hon^{ble} Council

Will Robertson Cl: Gen Aff^{rs}:

Also Mr *Robertson* brought into the house the Answer of this house to the Several Messages from his Excel^{cy} and Council

Then the said Message and Amendm^{ts} being read

Resolved That the house doth agree to the said Amendments proposed by the Council in the said Message

Ordered That the Com^{tee} who carryed the answer of this house to his Excel^{cy} and Council on *Tuesday* last do returne to the Council the said Answer of this house and acquaint them that the house doth agree to the Amendments proposed by their hon^{rs} and have inserted them in the answer

And they being returned Mr *Leigh* reported the Com^{tee} appointed had waited on the Council and acquaint them y^t the house doth agree to the Amendm^{ts} proposed by their honours and hath inserted them in the answer

Mr *Cary* from the Com^{tee} of p^{ub}: Clai^{ms} reported that the said Com^{tee} had taken into consideration the Several matters of Clai^{me} to them referred and had agreed upon diverse resolutions therein which they had Entered into two books called the books of reports of the Com^{tee} for publick Clai^{ms} and had directed him to report the said Books to the house and thereupon having presented the said books at the Table

Ordered That the same do ly upon the Table to be ~~re~~used by the members of the house

Mr *Leigh* moveing for leave to take out the Clai^{me} of *John Hesterly*

Ordered That the said Clai^{me} be delivered him

Ordered That Such Clai^{ms} as are not allowed by the Com^{tee} of Clai^{ms} be delivered to the Burgeffes of the respective Countys to which they belong and that the Clerk of the Com^{tee} Endorse the Subject matter of the Com^{tees} report upon the said Several Clai^{ms}

The Answer of this house to his Excel^{cy} and the Councils Several Messages, and the Copy of the Resolve of this house touching the lifts of Tythables being brought into the house from the Council

Ordered That the Committee of propositions and Grievances carry the said Answer and Resolve to his Excel^{cy}

And they being returned Mr *Leigh* reported that they had delivered the same to his Excel^{cy}

And then the house adjourned til to morrow morning nine a Clocke

Thursday May the 28th 1702

AN Ingrossed bill intituled *an Act to prevent Masters of Ships or Vessels running away after Imbargoes are laid* being returned from the Council by Mr *Robertson* and with it proposals of Amendments and an Addition to be made therein which if the house should agree to the Council would agree to the bill

The said Amendm^{ts} and addition were read three times and agreed to by the house and inserted in the Bill accordingly

Ordered

Ordered That the Com^{rs} who carryed the said Bill to the Council do forthwith carry back the same to the Council for their view that the Amendm^{ts} and Additions are made therein according to their proposition

And they being returned M^r Leigh reported they had delivered the said Bill to the Council and that their hon^{rs} were pleased to return the Bill to the house by them assented to

Ordered That the Clerk do forthwith inrole the said bill in parchm^t

The Clerk of the house presented the bill intituled *an Act to prevent Masters of Ships or Veffels running away after Imbargoes are laide* inroled in parchment

Ordered That M^r Leigh and M^r Cary forthwith Examine the said Bill at the Table

M^r Leigh reported they had Examined the said Bill and that it doth agree with the Ingrossed bill

Then the house adjourned til to morrow morning nine a Clocke

Fryday May the twenty ninth 1702

ORDERED That a Message be forthwith sent to his Excel^{cy} to desire him to issue out a Writt for the Election of a Burgefs to serve in this Affembly for *New Kent County* in the Roome of Col^o *William Basset* who has refused to take the the Oaths

And also to issue out a new Writt for the Election of a Burgefs to Serve in this Affembly for *King and Queen County* in the roome of M^r *Bird* who has refused to take the Oaths

Ordered That M^r Leigh, M^r Tayloe, M^r Corbin & M^r Applewaite, forthwith carry the said Message

And they being returned M^r Leigh reported that they had delivered the said Message to his Excel^{cy}

A Message from his Excel^{cy} by M^r *Robertson*
M^r Speaker and Gent of the house of Burgeffes

His Excel^{cy} commands the imediate attendance of this house upon him in the Council Chamber and that you bring with you such Bills that you have already prepared for his Ex^{cy}s Assent

And accordingly the house went to Attend his Excel^{cy}

And they being returned M^r Speaker acquainted the house his Excel^{cy} was pleased to give his Assent to

An Ingrossed Bill intituled *an Act to prevent Masters of Ships or Veffels running away after Imbargoes are laide*

And also to an Ordinance of Affembly for Setling the divideing lines between the Countys of *Ifle [of] wight Surry Charles City and Nanfemond* on the South side the *Black water Swamp*

And further M^r Speaker acquainted the house that his Excel^{cy} was pleased to Signe the answer upon the severall Messages of his Excel^{cy} and the Council to the house (which were not before answered) according to the Several Resolutions of the house and to desire him likewise to Sign the same which (being not Customary) he had not done but acquainted the house therewith

Ordered That M^r Speaker do Sign the said Answer

Ordered That M^r Cary M^r Leigh, M^r Waters M^r Tayloe, M^r Bland M^r Robinson, M^r Welburne and M^r Applewaite do forthwith wait upon his Excel^{cy} and acquaint his Excel^{cy} the house is ready to attend him

And they being returned M^r Cary reported that they had waited upon his Excel^{cy} and acquainted his Excel^{cy} the house was ready to attend him

A Message from his Excel^{cy} by M^r *Robertson*
M^r Speaker and Gent: of y^e house of Burgeffes

His Excel^{cy} commands the imediate Attendance of this house upon him in the Council Chamber

And accordingly the house went to Attend his Excel^{cy}

JOURNAL

OF THE

HOUSE OF BURGESSES

AT A

GENERAL ASSEMBLY

Begun at her Majestys Royal Colledge of *William and Mary* adjoining to the City of *Williamsburgh* the fifth day of *December* in the twelfth yeare of the Reigne of his late Majesty King *William* the third of blessed Memory and thence continued by Several prorogations to the Eighteenth day of *June* 1702 in the first yeare of the Reign of our Sovereign Lady *Anne* by the Grace of God Queen of *England Scotland ffrance and Ireland* Defender of the faith &c



RICHMOND, VIRGINIA.

MCMXIII

JOURNALL

of the

HOUSE OF BURGESSES

Thursday June the 18th 1702

MR *Speaker* and twenty five Burgeffes being met in the house were informed that his Excel^{ty}s desire was they should Attend the Solemnity of proclaiming the Queen

Resolved. That the house will attend his Excel^{ty} when he proceeds to the proclaiming of the Queen.

Resolved and accordingly *ordered*

That it be a Standing Rule of this house that fifteen Members with the Speaker be a Sufficient number to adjourne

And then the house adjourned til to morrow morning nine a Clocke

Fryday June the 19th 1702

A MESSAGE from his Excellency and Council by M^r *Robertson* Who brought into the house the Lords of her Majestys most hon^{ble} Privy Council their letter to his Excel^{ty} notifying the death of our late gracious Sovereign Lord King *William* the third and directing the proclaiming of her Royal Majesty Queen *Anne*, and also the Several papers following *Viz:*

Her Majestys gracious declaration at her first Siting in Council at *St James*

Her Majestys proclamation continuing all officers &c:

The Address of the house of Lords to her Majesty.

The Address of the house of Commons to her Majesty.

Her Majestys most gracious Answer to the said Address.

Her Majestys Speech to both houses of Parliament.

The Address of the house of Lords the twelfth of *March*.

Her Majestys answer to the thanks of the house of Commons for her most gracious Speech and

The Votes of the house of Commons of the 17th of *March* Settling the Revenue upon her Majesty

And also acquainted the house that his Excel^{ty} and Council intend imediately to proceede to the proclaiming of her Majesty according to the forme Sent by the said Lords of her Majestys most hon^{ble} privy Council and pursuant to his Excel^{ty}s Proclamation bearing date the 30th day of *May* last, and desire the Concurrence of the house of Burgeffes

Ordered That M^r *Leigh*, M^r *Foster*, M^r *Thompson* M^r *Cary* M^r *Butt* and M^r *Ballard* forthwith acquaint his Excel^{ty} and the Council that the house is ready to attend his Excel^{ty} and the Council in order to the proclaiming of her Majesty

And

And they being returned M^r Leigh reported they had waited upon his Excel^{ty} and the Council and acquainted them the house was ready to attend them in order to the proclaiming of her Majesty

And then the house adjourned til to morrow morning nine a Clocke

Saturday June the 20th 1702

THE Certificate of the hon^{ble} Edmund Jennings and John Lightfoot Esq^{rs} Commiffionated to adminifter the Oaths appointed by Act of Parliament to be taken inftead of the Oaths of Allegiance and Supremacy with the Teft and Oath of a Burgefs to every new Elected Member of this prefent Genll: Affembly, Certifying that *William Baffet* Elected a Burgefs for *New Kent* County, *John Weft* and *Nathaniel Weft* Burgefles for *King William* County, *James Taylor* Elected Burgefs for *King* and *Queen* County and *Adam Thorowgood* Elected Burgefs for *Princes Anne* County, took the faid Oaths appointed by Act of Parliament to be taken inftead of the Oaths of Allegiance and Supremacy Subfcribed the Teft and took the Oath of a Burgefs being read the faid Several members took their places accordingly

The returne upon the Writt for Election of Burgefles in *King William* County being read

Ordered That a Com^{tee} for Elections and priviledges be appointed on *Munday* next

A Petition of M^r Miles Cary Jun^r Clerke of the Com^{tee} of Claimes Seting forth that by reason of his Attending the Service of the house the laft Seffion the Court of *Warwick* County (of which he is Clerk) did not hold on the time it laft adjourned to, and *Munday* next being the time appointed for the faid Court to hold and praying leave to attend the fame

Ordered That the faid M^r Miles Cary Jun^r have leave to officiate at the faid Court and that he Attend the Service of the house againe on *Wednesday* Morning next

M^r Miles Cary a Member of the house moveing for leave to be at *Warwick* Court on *Monday* next upon Extraordinary Occasion leave was accordingly given him

Ordered That he Attend the Service of the house againe on *Tuesday* morning next
And then the house adjourned till *Munday* morning next nine a Clocke

Munday June the 22^d 1702

ACOM^{tee} for Elections and priviledges
M^r Gawin Corbin Chairman
M^r ffofter.....M^r Fox
M^r Cook.

Ordered That M^r William Randolph Jun^r be Clerk of the faid Com^{tee} and give his Attendance accordingly

Ordered That *Richard Morris* *John Remington* *John Hix* and *Anthony Evans* be continued Doorkeepers to the house this Seffion, and that they give their refpective attendance accordingly

The Orders of the house for laft Seffion being read at the Table

Resolved That the house do approve of the fame and that they fhall continue Orders for this Seffion

Ordered That the faid Orders ly constantly upon the Table for every Members Pufal as occasion

Ordered That the house be called over as often as fhall be thought convenient and that thofe members who fhall be wanting in their Duty of Attendance be lyable to the Cenfure of the house

A Message in Writing from his Excellency and the Council by Mr Robertfon

By his Excellency and the honorable Council

Mr Speaker and Gent: of the house of Burgeffes

His Excellency and the honorable Council taking into consideration that the time fixed for the departure of the convoy is drawing nigh have thought it necessary to lay a Gentl: Imbargo until that time and do now lay before this house the order they intend to issue for that effect

The said Message together with the order therein mentioned were read

The Returne upon the Writt for Election of Burgeffes in *King William County*

The Returne upon the Writt for Election of a Burgefs in *New Kent County*

The Returne upon the Writt for Election of a Burgefs in *King and Queen County*.

And

The Returne upon the Writt for Election of a Burgefs in *Princess Anne County* were Severally read

Ordered That the Consideration of the said Several Returnes be referred to the Comtee for Elections and Priviledges, forthwith to Examine the same and report their proceedings and opinions therein to the house

And then the house adjourned til to morrow morning nine a Clocke

Tuesday June the 23^d 1702

MR Corbin from the Committee for Elections and priviledges reported that the said Comtee had taken into consideration the Several returnes of Elections Committed to them and had therein agreed upon Several resolutions which he read in his place and then delivered them in at the Table, Where being againe read the house tooke the same into imediate consideration and to Some part of the said Report the house agreed, and to others they disagreed and thereupon Resolved as followeth

Resolved That *James Taylor* Gent. is duly returned a Burgefs to serve in this present Gentl Assembly for *King and Queen County* according to Law

Resolved That *William Basset* Gent. is duly returned a Burgefs to serve in this present Gentl. Assembly for *New Kent County* according to Law

Resolved That *Adam Thorowgood* Gent. is duly returned a Burgefs to Serve in this present Gentl: Assembly for *Princess Anne County* according to Law

Resolved That *John West* Gent: and Gent *Nathaniel West* Gent: are duly returned Burgeffes to serve in this present Gentl: Assembly for *King William County* according to Law

A Motion being made that Commtees be appointed and a Debate thereupon arising

The Question was put. That Comtees shall be appointed

It passed in the Negative

A Message in Writing from his Excellency and the Council by Mr Robertfon

By his Excellency & the honorable Council

Mr Speaker and Gent: of the house of Burgeffes.

Whereas it hath been represented to his Excellency by Col^o W^m Leigh Commander in cheife of the Militia in *King and Queen County* that *William Byrd* of the said County of *King and Queen* Gent: did on or about the 28th day of *May* last publish and Spread abroad diverse false Seditions and Scandalous reports, highly reflecting on the honour and Justice of his Excellency the Governour, the honorable Council and the Worshipful house of Burgeffes, and tending much to the raising Sedition in the minds of her Majestys loving Subjects, his Excellency and the honorable Council have thought fit to lay before this house the several depositions taken in that Matter and other papers relating thereto, that this house may take such course as they shall Judge necessary for vindicating the honour of the Government, quieting the minds of her Majestys Subjects, and preventing the Spreading of Such dangerous and Seditious reports for the future

His

His Excel^{ty} said Message together with the depositions relateing thereto brought into the house with the said Message being read

Resolved That *William Byrd* of *King* and *Queen* County in saying that this Assembly were about to raise a Tax upon the people in this Country which would amount to Seventeen thousand pounds a yeare for the use of the Colledge and that Col^o *William Leigh* had consented to it, is guilty of a Seditious Scandalous, Malitious and utterly false report

Resolved That the report which *William Byrd* made that M^r *Nathaniel Harrison* and M^r *George Marable* were taken into Custody about giving the Speaker ten Thousand Pounds of Tobacco, is Seditious Scandalous Malitious and utterly false

Ordered That the Clerk of the house send Copys of the said Resolves of this house to the Sheriff of *King* and *Queen* County and that he cause the same to be published at their County Court and in all Churches and Chappels within the said County.

A Message in writeing from his Excel^{ty} and the Council by M^r *Robertson*

By his Excel^{ty} and the hon^{ble} Council

M^r Speaker and Gent: of the house of Burgēss

His Excel^{ty} and the hon^{ble} Council takeing into consideration the danger the Records of this Colony are Exposed to by being Lodged in the Colledge do propose to the house of Burgēss that a Com^{tee} of the house may be appointed to Joyne with a Com^{tee} of the Council for inspecting the building of the Capitol, and that directions may be given for the Speedy fitting up roomes for the reception of the Records and holding the Gen^l Courts

his Excel^{ty} said Message being read

Ordered That a Copy of the Resolve of the house this morning touching Com^{tees} be forthwith Sent to his Excel^{ty} and Council

Ordered That M^r *Jfofter*, M^r *Waters*, M^r *Jfarrar* M^r *Welburne* M^r *West* and M^r *Armistead* do carry the same

And they being returned M^r *Jfofter* reported they had delivered the Copy of the Resolve of the house this Morning touching Com^{tees} to his Excel^{ty} and Council

A Letter from the hon^{ble} *William Byrd* Esq^r dated the 22^d of *June* 1702 rendering Accō^t to the house that he had received a letter from his son concerning the affaires of this house committed to his Charge was read

Ordered That the Consideration of the said Letter be referred till the next Session of Assembly

Ordered That M^r *Tayloe* and M^r *Bland* at some convenient time give the hon^{ble} *William Byrd* Esq^r the thanks of the house for his care in Transmitting to our Agent in *England* the Several Matters relateing to this Colony according to the desire of the house

A Message from his Excel^{ty} by M^r *Robertson*

M^r Speaker and Gent: of the house of Burgeffes

His Excel^{ty} commands the imediate Attendance of this house upon him in the Council Chamber

And accordingly the house Went to Attend his Excel^{ty}

And they being returned M^r *Speaker* acquainted the house that his Excel^{ty} was pleased to make a Short Speech and to give him a Copy of the said Speech which was read as followeth

M^r Speaker and Gent: of the house of Burgeffes

It having pleased Almighty God that no Surprise infurrection or Invasion hath happened in this her Majestys most ancient and great Colony and Dominion of *Virginia*, her Majest^y hon^{ble} Council and my Selfe have raised no fforces, but how Soone there may be an Occasion for so doing, is not possible for me to know. Therefore I do most Earnestly recommend to you to find Some Way or other to Secure (with God Almightys Assistance) this her Majestys Colony and Dominion from any Alarm, Surprise, Infurrection, or Invasion

Gentlemen

I do likewise recommend to you the p^rfecting of those matters which you referred

to

to this Session of Assembly, as likewise that a loyal and dutiful Address may be drawne, Signed, and Sent to her most Sacred Majesty on her Accession to the Throwne of her Ancestors

ffr: Nicholson

Ordered That his Excell^{ys} said Speech be taken into consideration to morrow morning ten a Clocke

Mr Ballard moveing for leave upon Extraordinary Occasions to be at *York Court* to morrow leave was accordingly given him

Ordered That he Attend the Service of the house againe on *Thursday* morning next
Then the house adjourned til to morrow morning nine a clocke

Wednesday June the 24th 1702

A MESSAGE from his Excell^{cy} by *Mr Robertfon*
Mr Speaker and Gent: of the house of Burgeffes

I received your vote of yesterdays Date concerning Com^{tees} and considering the buify time of the yeare, I hope you did it for Expedition Sake, and pursuant to the Method of the hon^{ble} house of Commons in *England*, where commonly one or more Members are ordered to draw the necessary Bills. I am also in hopes that you will go on as chearfully and unanimously in this Assembly as the Parliament of *England* did notwithstanding the unfortunate death of the late King of ever blessed Memory

ffr: Nicholson

His Excell^{ys} said Message was read

Mr Tayloe reported that himselfe and the Person appointed had been with the hon^{ble} *William Byrd Esq^r* and given him the thanks of the house according to the order of the house yesterday

Then according to order Yesterday the house proceeded to the consideration of his Excell^{ys} Speech, which being read, a Motion was made that the house resolve it Selfe into a Com^{tee} of the whole house to take into Consideration his Excell^{ys} said Speech

Resolved That his Excell^{ys} said Speech shall be considered in the house (as a house) and not by a Com^{tee} of the whole house

Then the house proceeded to the Immediate consideration thereof and

Resolved That it is the opinion of this house that the ordinance of the last Session of Assembly giving power to the Governour wth the advice of the Council upon any Alarm, Surprise insurrection or Invasion to Levy Suitable and Competent forces to be paid by the publick &c: is a Sufficient provision for the Security of this Country on any Such occasion until there be a Session of Assembly

Resolved That it is the opinion of this house that the Several referrences made the last Session of Assembly Stand referred til a Session of Assembly

Resolved That an humble Address be prepared to congratulate her Majestys happy accession to the Throne of her Ancestors

Ordered That *Mr Leigh*, *Mr Cary*, *Mr Beverley* and *Mr Corbin* do forthwith prepare and bring in the said Address

A Message from his Excell^{cy} by *Mr Robertfon*

By his Excellency

Mr Speaker and Gent of the house of Burgeffes

His Excell^{cy} having yesterday laid before this house Several papers relating to the reports published and spread abroad by *William Byrd* of the County of *King* and *Queen* doth now recommend to this house to send him a Copy of their Resolves in that matter if the house shall think convenient, that So his Excell^{cy} may give Such further Orders in that matter as he shall finde necessary for her Majestys Service

His Excell^{ys} said Message being read

Ordered That the Resolves of this house concerning the reports published and Spread abroad by *William Bird* of *King* and *Queen* County be forthwith Transcribed and Sent to his Excell^{cy}

Ordered

Ordered That Mr Bland Mr Jfofter Mr John West Mr Taylor Mr Thacker and Mr Marrable do carry the Copys of the faid Refolves to his Excel^{ty}

And they being returned Mr Bland reported they had waited upon his Excel^{ty} and had delivered the Copys of the faid Refolves of the houle to his Excel^{ty}

Col^o Leigh from the P^{rs}ons to whom it was referred to prepare and bring in an humble Addrefs to congratulate her Majeftys happy Acceffion to the Thrown of her Anceftors, reported the faid Addrefs which he read in his place and afterwards delivered in at the Table, where being againe read

Resolved Nemine Contra dicente

That the houle doth agree to the faid Addrefs without any Amendment

The faid Addrefs being as followeth *Vizt:*

To her moft Excellent Majefty Queen Anne

The humble Addrefs of the houle of Burgeffes in Virginia

Moft gracious Sovereign

We your Mafetys moft loyal and dutiful Subjects the Burgeffes of *Virginia* now Affembled humbly crave leave to congratulate your Majeftys happy acceffion to the Thrown of your Anceftors your undoubted right

Altho we are farr remote from your Majeftys Sacred P^{rs}on yet we doubt not your Majeftys gracious confideration and Royal protection of us as the ofspring of *England* daily bleft with your prefence

We do humbly Affure your Majefty our hearts are filled with loyalty in Duty to your facred P^{rs}on, Our prayers fhall be dayly made to heaven that the Choiceft of Blesfings may be Showered down continually upon you and that your people may have one united heart to your Service

On our parts wee will be always ready to hazard our lives and fortunes for the prefervation and defence of your Majeftys Sacred P^{rs}on and Government

Ordered That the faid Addrefs be fairly tranfcribed and brought into the houle to morrow morning by the Clerk in order to be Signed by every Member of the houle

Then the houle adjourned til to morrow morning nine a Clocke

Thursday June the 25th 1702

ACCORDING to the order of yefterday the Clerk of the houle prefented at the Table the humble Addrefs of this houle to congratulate her Majeftys happy acceffion to the Throwne of her Anceftors fairly tranfcribed. The f^d Addrefs was Signed by Mr *Speaker* & every member in y^e houle

A letter from Mr *Joseph Ball* (a member of the houle) fignifying his Difability to Attend the Service of the houle at prefent being read, the fame was allowed, and the faid Mr *Ball* excufed from his Attendance upon the Service of the houle until the recovery of his health

A letter from Mr *Alexander Spence* (a member of the houle) fignifying his Difability to Attend the Service of the houle at prefent being read the fame was allowed, and the faid Mr *Spence* Excufed from his Attendance on the Service of the houle until the recovery of his health

Resolved That a Meflage in writeing be prepared fignifying to his Excel^{ty} the feveral Refolutions of this houle upon his Excellencys Speech

Ordered That Mr *Beverly* and Mr *Baffett* forthwith prepare and bring in the faid Meflage

Mr *Beverly* reported that the P^{rs}ons appointed to whom was referred to prepare and bring in a Meflage in Writeing Signifying to his Excel^{ty} the feveral Refolutions of the houle upon his Excel^{ty}s Speech had prepared the faid Meflage which he read in his place

place and afterwards delivered in at the Table where the same was againe read and was as followeth

By the house of Burgeffes

May it please your Excel^{ty}

We her Majestys Loyal and dutiful Subjects the Burgeffes now Affsembled having taken into our Serious Consideration the Several matters of your Excel^{ty}s Speech to this house humbly take leave to represent to your Excel^{ty} our Several Resolutions there-upon *Vis^t* Concerning the Security of this Colony, We are of opinion That the Ordinance of the last Session of Assembly giving power to the Governour with the Advice of the Council upon any Alarm Surprize Infurrection or Invasion to levy Suitable and Competent forces to be paid by the publick &c: is a Sufficient provision for the Security of this Country on any such occasion until their shall be a Session of Assembly

Concerning the references of the last Session We are of opinion that they still stand referd until a Session of Assembly

And according to your Excel^{ty}s recommendation we have prepard and Signd a Congratulatory Addrefs to her Majesty upon her Accession to the Throwne of her Ancestors

And we further humbly take leave to acquaint your Excell^{ty} That in consideration of this hot Season of the yeare, and the short time Set for Departure of the Ships, We have not reserved any thing for present consideration which has come before us.

Resolved That the house doe Approve of the said Message

Ordered That the said Message be fairly transcribed and with all convenient Expedition brought into the house by the Clerk

The Clerk of the house (according to order) presented at the Table the said Message fairly Transcribed

Ordered That M^r Speaker Signe the same

Ordered That M^r Beverley M^r Harrison M^r Tayloe, M^r Corbin M^r Barber M^r Foster M^r Mason M^r Cook M^r Waters and M^r Wyn forthwith carry the said Message to his Excel^{ty} and also acquaint his Ex^{ty} that the house have prepared an Addreis to her Majesty and desire to know his Excel^{ty}s pleasure when the house shall Attend him with the said Addreis

And they being returned M^r Beverley reported they had delivered to his Ex^{ty} the message in writeing Signifying to his Excel^{ty} the Several Resolutions of this house upon his Excel^{ty}s Speech and had acquainted his Excel^{ty} that the house had prepared an Addreis to her Majesty and desired to know his Excels: pleasure when the house should attend him with it

A Message from his Excel^{ty} by M^r Robertson
M^r Speaker and Gent: of the house of Burgeffs

His Excel^{ty} commands the imediate attendance of this house upon him in the Council Chamber, and that you bring with you what you have to offer to him

And accordingly the house went to attend his Ex^{ty} and carryed wth them the Addreis of this house to congratulate her Majestys happy Accession to the Throwne of her Ancestors

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JOURNAL

OF THE

HOUSE OF BURGESSES

AT A

GENERAL ASSEMBLY

Begun at her Majestys Royal College of *William* and *Mary* adjoining to the City of *Williamsburgh* the fifth day of *December* in the twelfth yeare of the Reigne of his late Majesty King *William* the third of blessed memory and thence continued by Several prorogations to the 14th day of *August* 1702 in the first year of the Reigne of our Sovereign lady *Anne* by the grace of God Queen of *England, Scotland, France* and *Ireland* Defender of the Faith &c



RICHMOND, VIRGINIA.

MCMXIII.

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JOURNALL

of the

HOUSE OF BURGESSES

Fryday August 14th 1702

MR *Speaker* and twenty Seven Burgeffes being mett in the house a letter from *William Randolph* (Clerk of the house) to M^r *Speaker* and also a letter from the said *Randolph* to his Excellency were Severally read

A Message from his Excel^{cy} by M^r *Robertson*

M^r *Speaker* and Geñt: of the house of Burgeffes

His Excel^{cy} commands the imediate attendance of this house upon him in the Council Chamber

And accordingly the house went to attend his Excel^{cy}

And being returned M^r *Speaker* acquainted the house that his Excel^{cy} was pleased to make a Speech and to give him a Copy thereof and also some papers relateing to it and that because his Excel^{cy} had given him the said Copy, he would not trust to his memory to repeate the Contents of the Speech but would read the Copy and accordingly

M^r *Speaker* read the Copy which was as followeth

Hon^{ble} Gentlemen

I have lately had a paper from the Geñt: of the Com^{tee} for Revifal of the Lawes, which I now give your Speaker and if you dont think proper this Sesson to enter upon the Revifal: upon your answer I shall communicate to you those things which I think proper for her Majestys and the Countrys Service

I have Accounts both from *New York* and *Pensilvania* and from masters of Ships come from thence that her Majesty on the fourth of *May* last had caused Warr to be proclaimed against the *french* and *Spaniards* and that her Majestys orders were arrived at *Boston*, and the Warr proclaimed there; and that the orders for my Selfe on that Account were sent to *New York* by land, so that I hourly expect their Arrival: Upon which I dont doubt but you will readily and heartily Joine with me and her Majestys hon^{ble} Council in defending this her Majestys most ancient and great Colony and Dominion of *Virginia* against her Majestys Enemys in General, and in Particular against those who shall attempt this Country, and also joine with us in our prayers that God Almighty will be pleased to preserve her Majestys Royall and Sacred P^{erson}, and likewise give her an intire victory over all her Enemys especially against the *french* and *Spaniards*

ffr: Nicholson

Ordered That M^r *Leigh*, M^r *Cary*, M^r *Corbin*, M^r *Tayloe*, M^r *Wilson* M^r *Barber* M^r *Ballard* M^r *Basset* M^r *Jfofter* M^r *Milner*, M^r *Westcomb* and M^r *Thacker* forthwith waite upon his Excel^{cy} and in the name of the house desire he will be pleased to appoint and Commiffionate a Clerk to attend the Service of the house

And they being returned M^r *Leigh* reported they had delivered the said Message and that his Excel^{cy} was pleased to say he was giving directions in it

Then the house adjourned till to morrow morning nine a Clocke

Saturday

Saturday August 15th 1702

HIS Excel^{cy} Commiffion to *William Randolph* fon of *William Randolph* to be Clerk of the houfe of Burgefles during the time of his fathers illnefs and the Certificate of the hon^{ble} *Edmund Jennings* and *Benjamin Harrifon* Elq^{rs} two of her Majeftys hon^{ble} Council Certifying that the faid *William Randolph* had taken the Oaths appointed by A^{ct} of Parliament to be taken inftead of the Oaths of Allegiance and Supremacy Subfcribed the Teft and took the Oath of Clerk of the houfe of Burgefles were feverally read and the faid *Randolph* thereupon called into the houfe and

Ordered To give his Attendance accordingly

Then a motion being made and the Queftion put That the houfe do adjourne till *Munday* morning

Resolved in the Affirmative

And accordingly the houfe adjourned till *Munday* morning nine a Clocke

Munday August 17th 1702

APETITION of M^r *Robert Beverley* a member of the houfe being read wherein the faid *Robert Beverley* complains of feveral indire^{ct} proceedings at *Elizabeth City* County Court on the 10th day of this month in two Suites then and there depending between *Samuel Selden* and *Rebecca* his wife Plaint^s and *Henry Turner* and *Sidwill* his wife Ex^s of *John Minfon* Dec^d Defend^{ts} wherein he is Vouchee to his great prejudice and in breach of the priviledge of this houfe

Resolved and accordingly *ordered*

That all the proceedings of *Samuel Selden* and *Rebecca* his wife againft *Henry Turner* and *Sidwill* his wife Ex^s of *John Minfon* Dec^d in *Elizabeth City* County Court on the 10th day of this Month be null and Void

Resolved and accordingly *Ordered*

That every Judgment given in *Elizabeth City* County Court the 10th day of this Month upon any Suite there depending between *Samuel Selden* and *Rebecca* his wife Plaint^s and *Henry Turner* and *Sidwill* his wife Ex^s of *John Minfon* Dec^d Defend^{ts} be void and of no effect as if fuch Judgment had never been given

Resolved and accordingly *ordered*

That every Suite depending between *Samuel Selden* and *Rebecca* his wife Plaint^s and *Henry Turner* and *Sidwill* his wife Ex^s of *John Minfon* Dec^d Defend^{ts} in *Elizabeth City* County Court on the 10th day of this month Stand as it did before the faid day and that no further proceedings be made in any Such Suite till *Robert Beverley* Vouchee of the faid *Turner* be out of his privileg as a Burgef

Ordered That *Richard Morris*, *John Remington*, *John Hix*, and *Anthony Evans* be continued Doorkeepers to the houfe this Seffion and that they give their refpective Attendance accordingly

The orders of the houfe for laft Seffions being read at the Table

Resolved That the houfe do approve of the fame and that they fhall continue orders for this Seffion

Ordered That the faid orders ly constantly upon the Table for every members P^{ar}usal as occafion

Ordered That the houfe be called over as often as fhall be thought convenient and that thofe members who fhall be wanting in their Duty of Attendance be lyable to to the cenfure of the houfe.

Resolved and accordingly *Ordered*

That it be a Standing rule of this houfe that fifteen members with the Speaker fhall be a Sufficent number to adjourne

Resolved

Resolved that the house forthwith proceed to the appointment of Com^{tee}

A Com^{tee} for Elections and Priviledges

M^r Gawin Corbin Chairman

M^r Joseph ffofter M^r Mordica Cook

M^r Nath: Harrison

Ordered That M^r Miles Cary Jun^r be Clerk of this Com^{tee} and give his Attendance accordingly

A Com^{tee} for publick Claimes

M^r Miles Cary Chairman

M^r Richard Bland M^r Henry Applewaite

M^r William Tayloe M^r Edward Mosely

M^r Joseph ffofter M^r Thomas Cocke

M^r Thomas Milner M^r Thomas Edmondson

M^r Edwin Thacker

Ordered That M^r Miles Cary Jun^r be Clerk of this Com^{tee} and give his Attendance accordingly

A Com^{tee} for propositions and Greivances

M^r William Leigh Chairman

M^r Robert Beverley M^r William Cary

M^r Gawin Corbin M^r Nathaniel Harrison

M^r William Wilfon M^r Thomas Ballard

M^r Thomas Barber M^r Mordica Cook

M^r James Westcomb

Ordered That the Com^{tees} have power to adjourne themselves *de die in diem* and to send for P^{er}sons Records, Journalls and other Papers they shall from time to time have occasion of

Resolved and accordingly *ordered*

That all propositions Greivances and Publick Claimes be brought into the house on *Thursday* the twentieth of this instant at latest or not to be received in this Session of Assembly without P^{ar}ticular leave of the house

Ordered That the Clerk of the house publish the latest time Set by the house for receiving propositions Grievances and publick Claimes during this Session by setting up a faire Copy of the Resolve of the house made in that behalfe at the Door of the house

Ordered That the Clerk of the house publish the place where the Com^{tee} of Propositions and Greivances and the Com^{tee} of publick Claimes are to Sit by Setting up a Certificate thereof at the Door of the College

Ordered That the Com^{tee} of Propositions and Grievances inspect the Journal of the last Sessions of Assembly and report to the house what they find necessary to be taken into consideration this Session

Ordered That the Com^{tee} for publick Claimes inspect the Reports of the Com^{tee} the two last Sessions of Assembly and report to the house what they find necessary to be further considered this Session

Resolved and accordingly *Ordered*

That all petitions propositions and Grievances directed for the last Sessions of Assembly and not then considered be admitted to the consideration of this Session

His Excell^{cy}s Speech to the house on the 14th instant and papers relating thereto being severally read

Resolved Nemine Contradicente

That it is not convenient to proceed upon the Revival of the Lawes at this time

Ordered That a Copy of the said Resolve be forthwith sent to his Excel^{cy} and that the Com^{tee} of Propositions and Grievances carry the same

Then the house adjourned till to morrow morning nine a Clocke

Tuesday

Tuesday August the 18th 1702

A MESSAGE from his Excell^{cy} by M^r *Robertson*
M^r *Speaker and Gent: of the house of Burgeffes.*

His Excell^{cy} commands the immediate Attendance of this house upon him in the Council Chamber

And accordingly the house went to attend his Excell^{cy}

And being returned M^r *Speaker* acquainted the house that his Excell^{cy} was pleased to make a Speech and to give him a Copy thereof with some papers relateing to it, that the Speech being very long he would not trust to his memory to repeate it but would read the Copy and then M^r *Speaker* read the said Copy which was as followeth

Gentlemen

By the divine P^romission there having happened three very extraordinary things are the causes of your so often meeting in so short a Space of time. I am heartily Sorry both in respect of the Charge to the Country and trouble to your Selves: but considering that all *Europe* are at vast expence Charge, and Trouble, even those that are not in Actual Warr to raise forces to Serve their frontiers, not knowing how Soone they may be attacked; I hope in God that her Majestys loyal and dutiful Subjects of this her Majestys most ancient and great Colony and Dominion of *Virginia* will thank the Almighty that we have not been put to more expence and Trouble &c:—I do in her Majestys name thank you for your loyal and dutifull Address to her most Sacred Majesty &c: and according to your desire, that it may be presented to her Majesty I have sent it to the Lords Com^{rs} of Trade and plantations and humbly desired their Lordships that it might be presented to her Majesty.

I do likewise in her Majestys name thank you for your assisting at the funeral Solemnity of his late Majesty of blessed memory, and for P^rforming the ceremony of proclaiming &c: her most Sacred Majesty whom God preserve and Send long to reign over us &c: According to my bounden Duty I endeavoured that those two things should be P^rformed in the best manner that this Country was capable of in all respects. And what failed thereof, I must Attribute to my own want of power in P^rforming it, but not of will and intention.

Gentlemen

I do most earnestly recommend to you the putting this her Majestys Colony and Dominion of *Virginia* in the best posture of defence you possibly can. I herewith give the hon^{ble} M^r *Speaker* some proposals which my self and her Majestys hon^{ble} Council have laid formerly before your house. Twas then time of Peace, and I should be glad to know whether you are of the same opinion now in time of Warr. Concerning the Militia, Return of Armes, and Amunition in each County, I will order the lists thereof to be laid before you, as likewise some proposals about the Militia &c: And you know what time the ordinance of Assenbly for Securing the Country &c: is in force. I do in the same manner recommend to you, either the renewing of that, or some thing of the like nature. I thank God that there hath been no occasion of makeing use of it. And you may be assured that no such power shall ever be made use of by me but upon absolute necessity and according to the true intent and meaning thereof. And that no Cost nor pains shall be Spared by me, nor the venturing my life for the preserving and keeping this her Majestys Colony and Dominion in peace and quietness in all respects: for I have Set this as a Rule to my Selfe; First to endeavour to discharge my Duty to God. next to the King or Queen whom I have the honour to Serve, and then to do all the good I can to the Country which I Govern: but more especially for *Virginia*, for which Since I had the honour and happiness of knowing it, I have had a very P^reticular love and esteem &c: And I hope that God Almighty will be pleased to Enable me to P^rform these my real and cordial designs and Intentions towards him, her Majesty and *Virgin^a*

You have referred the proposal of my Selfe and her Majestys hon^{ble} Council for the more convenient transporting forces over Rivers, Creeks &c: I hope you will now
take

take some effectual care about it, as likewise for Settling the Way how Publick packets letters &c: shall be safely and Speedily conveyed, either by post, or otherways as also the Settling of the fierrys in the Country. I have for some time found very great inconvenience for want of these two things being well Settled. You likewise referred the propofal for an Act for preventing the publication of false news: which now in time of Warr may be of very dangerous consequence. So I hope you will do something in this affaire

Great Complaints were made to me by the Cap^{ts} of her Majestys men of Warr, as likewise by a great many Cap^{ts} and Commanders of Merchants Ships and Veffels, that their Seamen were entertained and harboured on Shore &c: to their great Loss and Damage and that Several run away, and when they have gotten Hue and Cry after the runaway Seamen they Signify little or nothing: therefore I can not but very earnestly recommend to you that these things may be prevented by a Law: for you know that without Seamen, Ships are of little or no use; and all encouragem^t and Care possible is taken in *England* about them. I am obliged by an order of his late Majestys of Glorious Memory &c: to furnish the men of Warr that attend this Government with men.

I should be glad to know your opinion what is the most for her Majestys and the Countrys Interest and Service concerning Ships and Veffels that are now in the Country or shall arrive; whether to let them go Singly as they are loaded, or to Stop them in hopes of some accidental convoy or till they be twenty Saile enough to make a fleet themselves. I herewith give Mr *Speaker* a Copy of my Instructions concerning this affaire

I intend to send you some propofals concerning the Capitol, hoping in God &c: that when there shall be an occasion for an Assemblys meeting next, they may do it there

Gentlemen, I should likewise faile in my Duty if I did not most cordially recommend to you the laying the publick Levy: and I hope you will have all the lists of the Tithables this yeare in order to do it most equitable. I having received no Orders from *England* concerning the propofals of your allowing several things, I shall not now insist upon them. That we shall be all of one mind in having every bodys Acco^{ts} concern'd with the publick adjusted and paid this year what is Justly due to them are my hopes; as likewise that God almighty will be pleased to direct us all to Act for his glory and her Majestys and the Countrys Interest and Service in all respects. To accomplish which, nothing shall be wanting on the part of

Jfr: Nicholson

Then a motion being made that his Excel^{cy}s Speech be taken into imediate Consideration by a Com^{tee} of the whole house

Resolved That the house do forthwith Resolve it selfe into a Com^{tee} of the whole house to take into Consideration his Excel^{cy}s Speech and papers relateing to it

And accordingly The house Resolved it selfe into a Com^{tee} of the whole house to take the said Speech and papers into consideration and after some time Spent therein Mr *Speaker* resumed the Chaire and Mr *Cary* reported that the Com^{tee} had gone through the whole Speech and considered the papers relateing to it, and had thereupon come to several Resolutions which he read in his place and afterwards delivered in at the Table, where being againe read the house proceeded to the imediate Consideration of the same and thereupon Resolved and ordered as followeth

Resolved that it is the opinion of this house That the provision now in force for the defence of this Colony is the best and most agreeable posture of Defence, the present circumstances of this Colony will admit of

Resolved That it is the opinion of this house That the former Resolutions of the house of Burgesses concerning fortifications and Naval forces be at this time agreed to to wit

That this Country is not of Ability to build any fortifications and that if it were the benefit will not countervail the charge

That a Naval force is the best way to defend and Secure this Country from an Enemy by water, but that the Charge of maintaining it will be altogether insupportable to this Country

Resolved

Resolved that it is the opinion of this house That power be given to his Excel^{ty} till the next Session of Assembly with the advice of her Majestys hon^{ble} Council on any accident as an Alarm Surprize Infurrection or Invasion to levy Suitable and competent ffoces to be paid by the publick and to disband the same againe as the Cause of Danger ceases for which they were raised

Resolved and accordingly *Ordered*

That those paragraphs of his Excel^{ty}s Speech for the more convenient transporting Forces over Rivers Creeks &c: and for Setling the way how publick packets letters &c: shall be Safely and Speedily conveyed and for Setling of fferryes and preventing the divulging of false news be referred to the Com^{tee} of Propositions and Grievances to consider the same and report their opinions therein

Resolved and accordingly *ordered*

That that paragraph of his Excel^{ty}s Speech relating to Seamen being entertained and harboured on Shore &c: be referred to the Com^{tee} of propositions and Grievances to consider the same and report their opinions therein

Resolved That it is the opinion of this house That it is best that Ships and Vessels have liberty to go as they are loaden

M^r *Leigh* reported that the Com^{tee} of Propositions and Grievances had delivered to his Excel^{ty} a Copy of the Resolve of the house upon his Excel^{ty}s Speech to the house on the 14th Instant

A Petition of *Charles Evans* Setting forth that the place of Clerk to the Com^{tee} of Propositions and Grievances is become Vacant and praying to be admitted to the same

A Petition of *Edward Jaquelin* setting forth that the Clerks place of the Com^{tee} of Propositions and Grievances is vacant and praying to be admitted in that place Were severally read

Ordered That *Charles Evans* be admitted Clerk to attend the Com^{tee} of Propositions and Grievances during the Absence of Col^o *William Randolph* Clerk of the house and that he give his Attendance accordingly.

Two Grievances of the Inhabitants on the South Side *James River* in *Charles City* County concerning Courts being held on the North Side the River and the Division of the County &c: referred from the hon^{ble} Council to the Consideration of the house were read

Ordered That the consideration of the said Grievances be referred to the Com^{tee} of Propositions and Grievances to report their Opinion therein

A Grievance of the Inhabitants on the South side *Charles City* County and a Grievance of the Inhabitants on the North Side of the said County against the division of the said County were Severally read

Resolved That the said Grievances are not attested as the Law for Propositions and Grievances directs and therefore

Ordered That the said Grievances be rejected

A Proposition of the Inhabitants of *James City* County on the South west Side of *Chickahominy* propofeing that they may be added to the North Side of *Charles City* County referd from the hon^{ble} Council to the consideration of the house was read

Ordered That the consideration of the said Proposition be referred to the Com^{tee} of Propositions and Grievances to report their opinion therein

Then the house adjourned til to morrow morning nine a Clocke

Wednesday August y^e 19th 1702

SEVERAL publick Claimes from the Countys of
Charles City *York*
Effex *Isle [of] wight*
Princes Anne and
James City *Eliz: City*

Were presented to the house and referred to the Consideration of the Com^{tee} for publick Claimes

Claimes to Examine the Subject matter thereof and report the same with their opinions therein to the house

A Written Message from his Excell^y and the hon^{ble} Council by M^r Robertson

By his Excell^y and the hon^{ble} Council

M^r Speaker and Gent: of the house of Burgeses

The building of the Capitol being so far advanced that 'tis hoped it will be finished before there be any occasion for another meeting of the Assembly. It is proposed that a Com^{tee} of the House of Burgeses be appointed to joine with such a number of the Council as shall be thought convenient; or that it be recommended to the Com^{tee} for Revival of the Lawes, to consider of appropriating the Rooms for the use of the Several offices, and particularly that the House of Burgeses may choose whether they will Sitt in the great Roome below, or above So that the said Several Roomes may be fitted up during this Winter Season.

Whether it be convenient that this October Genll Court be kept at the Capitol and if so, that directions may be given for fitting up Roomes for holding the same and for the Secretarys office; and that Boxes be provided for keeping the Records and other papers belonging to the Several Offices, so as they may be removed easily in case of fire? who shall take care of removing the said Records and placing them in the respective places allotted for them, and when the same shall be done

That the bounds of the Capitol be laid out pursuant to the Act of Assembly and that it be considered whether it will not be necessary that the building be paled or railed in, or inclosed by a Brick Wall at a convenient distance round. And that directions may also be given concerning the bounds and rules of the prison

Ordered That the said message be taken into consideration to morrow morning

A Petition of *Thomas Mountfort* late Sheriff of *James City County* Setting forth that he could not get the Accounts (annexed to the said Petition) proved according to law &c: and praying that the said Accounts may be referred to the next Session of Assembly for such proove was read

Ordered That the said Accounts be referred to the next Session of Assembly

A Petition of *Ambros Cobb* and *John Perkins* praying allowance of one Thousand pounds of Tobacco for takeing an outlawed Negro named *Billy* belonging to *John Tullit* &c: and a Certificate of M^r *Thomas Barber* certifying that the said *Cobb* and *Perkins* had brought before him the said Negro

A Petition of M^r *Harry Beverley* praying allowance for Surveying &c: the *Chickahominy* Indians land

A Petition of *John Downer* and *Peter Gustavus Chaine* carryers and *John Hurt* and *Robert Townly* makers praying to be allowed Sixty pounds of Tobacco per day for for six days Attendance on the Survey made for the *Chickahominy* Indians

A Petition of *Anne Blaitwaite* praying allowance for Sweeping the Roome where the house of Burgeses sitt and the office thereto belonging these three last meetings of Assembly

A Petition of *George Nasworthy Thomas Swan* and *Daniel Sullivan* Setting forth that they had expended the sum of five pounds ten Shillings for necessary accomadation &c: in takeing the several Examinations in behalfe of the King against Cap^t *Samuel Boush* and praying that they may be paid by the hon^{ble} M^r Auditor *Byrd* &c: referd from the hon^{ble} Council to the consideration of the house being severally read

Ordered That the consideration of the said Severall Petitions be referred to the Com^{tee} for publick Claimes to report their opinions therein

The Grievance of the Inhabitants of *James City County* concerning Courts not being held in the said County

A Petition of *Mengo Somervell* Setting forth that he hath been ferryman in *York Towne* Eighteen Months &c: and praying to be admitted the only ferryman at the said Towne of *Yorke* without the Interruption of any Person referd from the hon^{ble} Council to the Consideration of the house

A Petition of *Thomas Pate* setting forth that he hath been ferryman in *York parish* and County for the space of twelve years and that some Persons in *York Towne* has lately

lately taken up the office of Keeping ferries to his great Injury and praying that he may be admitted the only ferryman in that part, and a Certificate of the Clerk of York Court that the said *Pate* hath entered into Bond &c: referd from the hon^{ble} Council to the Consideration of the house being severally read

Ordered That the Consideration of the said Grievance and Petitions be referred to the Com^{tee} of Propositions and Grievances to report their opinions therein

A Petition of *Benjamin Lillingston* praying allowance for his Attendance on his Excel^{cy} and the hon^{ble} Council three meetings of Assembly and for keeping a horse during the said time referred from the Hon^{ble} Council to the consideration of the house

Ordered That the said Petition be taken into consideration when the allowances to the several officers which attend this Assembly are considered

Mr Leigh from the Com^{tee} of propositions and Grievances reported that the said Com^{tee} had taken into Consideration the several matters to them referred and therein had agreed upon Several Resolutions which he read in his place and afterwards delivered them in at the Table where they were againe read

Ordered That the said Report be taken into Consideration to morrow morning

Ordered That *Mr Treasurer Carter* lay his Accounts of the Imposition upon Liquors and of the Imposition upon Servants and Slaves before the house

A Com^{tee} for Inspecting and Examining *Mr Treasurers* said Accounts—

Mr Beverley *Mr Edmondson*

Mr Bland *Mr Marrable*

And then the house adjourned til to morrow morning nine a Clocke

Thursday August 20th 1702

THE house according to order proceeded to the consideration of a Message from his Excel^{cy} and the Council Yesterday and after it to the Consideration of the Report of the Com^{tee} of Propositions and Grievances and thereupon came to Several Resolutions as followeth

Resolved That a Com^{tee} be appointed to joine with a Com^{tee} of the Council to consider of the appropriating the Roomes in the Capitol for the use of the Several offices

And accordingly a Com^{tee} was appointed *Viz*:

Mr Cary *Mr Corbin*

Mr Beverley *Mr Bland*

Mr Harrifon *Mr West*

Ordered That a message be sent to the Council to acquaint them that the house have appointed the said Com^{tee} and *Ordered* them to attend Such a number of the Council as shall be thought fitt and at such time as they shall appoint

Resolved That it is the opinion of this house That it is not convenient that the next *October* Geñl: Court be held in the Capitol

Resolved and accordingly *ordered*

That Boxes be provided for keeping the Records and other papers belonging to the Secretarys Office and Assembly office so as they may be removed Easily in case of fire

Ordered That the Clerks of the said offices take care to remove the Records and other papers under their keeping into the respective places allotted for them in the Capitol at such time as they shall be directed by the Governour and Council

Ordered That the Governour and Council be desired to give Directions for removing the Records belonging to the Secretarys office and the Assembly office to the respective Clerks of the said offices, when conveniencys are fitted to receive them in the Capitol

Ordered That the consideration of the last Clause of his Excel^{cy} and the Councils Message about the bounds of the Capitol railing or paling it in and about the Rules of the prison be referred to the Com^{tee} of Council and Burgesies appointed to consider other matters relateing to the Capitol

Ordered

Ordered That the Claime of M^r *Robert Beverly* for several Services done at the Court for Examining Claimes and Titles to *pamunkey* neck Land for and in behalfe of the *pamunkey* and *Chickahominy* Indians which was referred to this S^{es}sion of Affembly be farther referred to the next S^{es}sion of Affembly

Ordered That the Grievance of *James City* County praying that some Speedy remedy may be had for the prevention of dayly and frequent preffing of horses in and about the City of *Williamfburgh* which was referred to this S^{es}sion of Affembly be farther referred to the next S^{es}sion of Affembly

Ordered That the Consideration of a Report of the Com^{tee} of Propositions and Grievances made upon a message from the Governour and Council the last S^{es}sion of Affembly recommending to the house to Affert his Majestys Right to the Quitt rents on the Eastern Shoare and that the bounds between this Colony and *Maryland* may be ascertained in order to remove all manner of Differences that may be occasioned between the two Governments for the future which was referred to this S^{es}sion of Affembly be further referred to the next S^{es}sion of Affembly

Ordered That the consideration of a letter from the hon^{ble} *William Byrd* Esq^r dated the 22^d of *June* 1702 rendering an Account to the house that he had received a letter from his Son concerning the affairs committed to his Charge which was referred to this S^{es}sion of Affembly be farther referred to the next S^{es}sion of Affembly

Resolved and accordingly *Ordered*

That a Bill be prepared upon that paragraph of his Excell^{ys} Speech for the more convenient transporting forces over Rivers and Creeks &c: and Settling the way how publick packets Letters &c: shall be safely and conveniently conveyed and for the Settling of Ferrys

Ordered That it be referred to the Com^{tee} of Propositions and Grievances to prepare and bring in the said Bill

Ordered That the consideration of that paragraph of his Excel^{ys} Speech for preventing the Divulging false news be referred to the Com^{tee} for Revival of the Lawes

Resolved and accordingly *Ordered*

That a Bill be prepared upon that paragraph of his Excel^{ys} Speech relateing to Seamen being Entertained and harboured on Shore

Ordered That it be referred to the Com^{tee} of Propositions and Grievances to prepare and bring in the said Bill

Resolved and accordingly *Ordered*

That a Bill be prepared for Divideing *Charles City* County into two Countys

Ordered That it be referred to the Com^{tee} of Propositions and Grievances to prepare and bring in the said Bill

Resolved That the house doth agree to the Report of the Com^{tee} upon Consideration of the proposition of the Inhabitants of *Wilmington* parish in *James City* County on the South West Side of *Chickahominy*

Ordered That the said proposition be rejected

A Petition of *William Randolph* praying his usual Allowance of 3200 p^{ds} of Tob^o for Copys and Duplicates of the Journals and Lawes at the S^{es}sion held in *May* last Also 2000 p^{ds} of Tobacco for Copys and Duplicates of the proceedings of the house the last meeting delivered to his Excel^{ty} to be Sent to her Majesty and likewise for his Attendance as Clerk the last meeting and the other two S^{es}sions preceding

Ordered That the said Petition be taken into Consideration when the allowances to the Several officers which attend this Affembly are considered

Several publick Claimes from the Countys of

King William
Northampton &
Elizabeth City

Were presented to the house and referred to the Consideration of the Com^{tee} for publick Claimes to Examine the Subject matter thereof and report the same with their opinions therein to the house

Then the house adjourned till three a Clocke afternoone

Post

Post Meridiem

Mr Leigh from the Com^{tee} of propositions and Grievances reported that the said Com^{tee} had according to Order prepared a Bill for divideing of *Charles City* County and presented the said Bill at the Table

Ordered That a Bill concerning Posts and ferrys prepared by the Com^{tee} for Revival of the Lawes be laid before the Com^{tee} of Grievances and propositions for their Inspection

A Petition of Mr *Robert Beverley* praying allowance according to Law as Look out at *Point Comfort*

A Petition of *John Tullit* praying the allowance of four Thousand pounds of Tobacco for an outlawed Negro killed were read

Ordered That the Consideration of the said Petitions be referred to the Com^{tee} for publick Claimes to report their opinions therein

A Grievance from *King William* County praying that the Indians may have the same priviledge for Wolves heads as the *English* referd from the hon^{ble} Council to the Consideration of the house was read

Ordered That the said Grievance be rejected

And then the house adjourned till to morrow morning nine a Clocke

Fryday August 21st 1702

A PETITION of *Barnabe Mackinne* praying an Order for land at *black Creek* to build a Gres Mill upon

Ordered That the said Petition be rejected

A Petition of *Robert Suede* praying to be admitted ferryman at *York Towne*

Ordered That the said Petition be rejected

A Petition of *C. C. Thacker* Clerk of the Secretarys office praying Mr *Sec^{ry}* may be allowed for six Writts for Election of Burgeffes

Ordered That the Consideration of the said Petition be referred to the Com^{tee} for publick Claimes to report their opinion therein

A Petition of *Chicheley Corbin Thacker* praying that he may be allowed for Entring the Lawes of five Assemblys in the Countrys Law Book

Ordered That the said Petition be rejected

Mr Leigh from the Com^{tee} of Propositions and Grievances reported that the said Com^{tee} had prepared two Bills *Viz*:

A Bill prohibiting Seamen being harboured or Entertained on Shoare

A Bill for the Regulation and Settlement of ferrys and for dispatch of publick Expreffes and for the Speedy transporting of forces over Rivers and Creeks in time of Danger—And presented the said Bills at the Table

A Bill for divideing *Charles City* County was read the first time

Ordered that the said Bill be read a second time

A Bill prohibiting Seamen being harboured or Entertained on Shore was read the first time

Ordered That the said Bill be read a Second time

A Bill for the Regulation and Settlement of ferrys and for dispatch of publick Expreffes and for the Speedy transporting of forces over Rivers and Creeks in time of Danger was read the first time

Ordered That the said Bill be read a second time to morrow morning

Mr *Robert Beverly* (a member of the house) moveing for leave to bring in a Bill for the more easily obtaining fair and Regular Tryals in cases concerning Titles of land.

Leave was given accordingly and thereupon the said Bill was read the first time.

Ordered to be read a second time

Mr

Mr Leigh from the Com^{tee} of Propositions and Grievances reported that the said Com^{tee} had taken into consideration some of the matters to them referred and therein had agreed upon two Resolutions which he read in his place and delivered in at the Table where being againe read the house proceeded to the immediate consideration and came to these two Resolutions

Resolved That the Petition of *Thomas Pate* and the Petition of *Mongo Somerville* to be admitted to keep the ferry at *York Towne* are fully answered in the Bill for the Regulation and Settlement of ferries and for dispatch of publick Expresses and for the Speedy transporting of forces over Rivers and Creeks in time of Danger

Resolved That *James City County Court* hath full Authority to proceed in all causes of *meum and Tuum*

Ordered That it be referred to the Com^{tee} of Propositions and Grievances to prepare an Address in Answer to his Ex^{cy}s Speech containing the Several Resolutions of this house upon the Several paragraphs of the said Speech

Mr *Robert Beverley* from the Com^{tee} appointed to Inspect Mr *Treasurers* Acco^{ts} reported the proceedings of the said Com^{tee} which being read in his place he delivered in at the Table

Ordered That the said Report ly upon the Table

And then the house adjourned til to morrow morning nine a Clocke

Saturday August the 22^d 1702

COL^o Leigh from the Com^{tee} of Propositions and Grievances reported that the said Com^{tee} had according to the order of the house prepared an Address which he read in his place, and then delivered it in at the Table where being againe read as followeth

To his Excellency Francis Nicholson Esq^r her Majesty Lieut and Governour Gen^l of Virginia
May it Please your Excel^{cy}

We her Majestys Loyal and dutiful Subjects the Burgeesses now assembled having taken into our Serious consideration your Excel^{cy}s Speech on the Eighteenth Instant to this house humbly take leave to represent to your Excel^{cy} our Several Resolutions and proceedings thereupon

As to that paragraph of Your Excel^{cy}s Speech wherein you recommend to this house the putting this her Majestys Colony and Dominion of *Virginia* into the best posture of Defence we can

We have Resolved That the provision now in force for the defence of this Colony is the best and most agreeable posture of Defence

And likewise that power be given to your Excel^{cy} til the next Session of Assembly with the advice of her Majestys most hon^{ble} Council on any Accident as an Alarm Surprise Insurrection or Invasion to Levy Suitable and competent forces to be paid by the publick and to disband the same againe as the cause of Danger ceases for which they were raised And further upon that part of the said paragraph Whereupon you were pleased to give our Speaker some propofals which your Selfe and the hon^{ble} Council had formerly laid before your house

We have Resolved That the former Resolutions of the house of Burgeesses concerning Fortifications and Naval Forces be at this time agreed to, (to wit,)

That this Country is not of Ability to build any Fortifications, and that if it were the benefit will not countervail the Charge

That a Naval force is the best way to defend and Secure this Country from an Enemy by Water, but that the Charge of Maintaining it will be altogether insupportable to this Country

As to that part of your Excel^{cy}s Speech wherein you have recommended to this House the propofal of your Excel^{cy} and her Majestys hon^{ble} Council for the more convenient

venient transporting forces over Rivers Creeks &c: As likewise for Settling the way how publick packets Letters &c: shall be Safely and Speedily conveyed either by Post or otherwise as also for Settling the ferrys in the Country

Wee have now a Bill lying before us which we hope will fully answer your Excel^{ty}s and the Councils said proposition

As to that part of your Excel^{ty}s Speech wherein you likewise referred the Propofal of an Act for preventing the publication of false News

Wee have Resolved That that paragraph of your Excel^{ty}s Speech for prevention of false news be referred to the Com^{tee} for Revival of the Lawes

As to that part of your Excel^{ty}s Speech where great Complaints were made to your Excel^{ty} by the Captains of her Majestys men of Warr and likewise by Commanders of Merchant Ships and Veffels that their Seamen were entertained and harboured on Shore to their great Lofs and Damage and that Several run away

We have now a Bill lying before this house for prohibiting Seamen being entertained or harboured on Shore

As to your Excel^{ty}s Proposition concerning Ships that now are or shall arrive in the Country whether to let them go Singly as they are loaded or to Stop them in hopes of some accidental Convoy or til they be twenty Sayle enough to make a Fleet themselves

We have Resolved That it is best that Ships and Veffels have liberty to go as they are loaden

As to that paragraph of your Excel^{ty}s Speech recommending to this house the laying the publick Levy

The Com^{tee} of Claimes have all matters relateing thereto for the effecting the same

The same after a small Amendment made at the Table was agreed to by the house

Ordered That the said Address be forthwith fairly Transcribed in order to be presented to his Excel^{ty}

Mr Cary from the Com^{tee} of publick Claimes reported that the said Com^{tee} had taken into consideration the Several matters of Claimes to them referred and had agreed upon diverse resolutions therein which they had entered into two Books called the books of Reports of the Com^{tee} for publick Claimes and had directed him to report the said Books to the house, and thereupon having presented the said Books at the Table

Ordered That the same do ly upon the Table to be read by the members of the house

A Bill for divideing *Charles City* County was read the second time several blanks fild up and some Amendm^{ts} made at the Table, which Amendments being twice read

Ordered That the said Bill be ingrossed with the Amendm^{ts} and read a third time

A Bill for the regulation and Settlement of Ferrys and for dispatch of publick Expreffes and for the Speedy Transporting forces over Rivers and Creeks in time of Danger was read the second time the blanks fild up, and some Amendments made at the Table, which Amendm^{ts} being twice read

Ordered That the said Bill be ingrossed with the amendments and read a third time

A Bill prohibiting Seamen being harboured or Entertained on Shore being read the second time

Ordered That the said Bill be committed to the Com^{tee} who prepared the same for Amendments

A Bill for the more easy obtaining fair and regular Tryals in cafes concerning Titles of Land being read the second time

After a Debate the Queftion was put That the said Bill be ingrosed and read a third time

It passed in the Negative

Ordered That the 1st Bill be rejected

The Address to his Excel^{ty} being fairly Transcribed and presented by the Clerk at the Table

Resolved That the said Address be presented to his Ex^{ty} by the whole house

Ordered That the Com^{tee} of propositions and Grievances forthwith wait upon his Excel^{ty}

Excel^{ty} to know his pleasure when the house shall attend his Excel^{ty} with their Speaker to present the said Address

And they being returned Mr *Leigh* reported that they had delivered the said Message to his Excel^{ty} and that his Excel^{ty} was pleased to say now

And thereupon the house went with their Speaker to attend his Excel^{ty} with the said Address, and being returned Mr *Speaker* reported they had presented the said Address to his Excel^{ty} and that his Excel^{ty} was pleased to say he was glad the house was like to make so quick a Dispatch, or words to that effect

A Message from his Excel^{ty} and the hon^{ble} Council by Mr *Robertson*

By his Excellency and the hon^{ble} Council

Mr *Speaker* and Gent: of the house of Burgeses

Upon perusal of the Survey and Platt of the land laid out by Mr *Henry Beverley* for the *Chickahominy* Indians, and having consulted Mr *Minge* who is well acquainted with the said Land; His Excel^{ty} and the hon^{ble} Council are apprehensive that the said Surveyor hath mistaken the Resolves of the house of Burgeses, which direct that the two *Herring* Creeks and *Mattapany* River shall bound three Sides of the said Indian Land; and the said Surveyor hath made his Center on the head of the lower Creek, taking that for a branch which Mr *Minge* informes is the Main Creek: whereby the said Surveyor hath laid out a far greater Tract of Land for the said Indians than was ever designd: for his Excel^{ty} and the hon^{ble} Council can not think it for her Majestys Service to give away 14910 Acres of land to them, who are not above 14 men in all; the *pamunkey* Indians who are more in number being contented with a farr less quantity. And therefore his Excel^{ty} and the hon^{ble} Council have thought fitt to Lay the said Platt and Survey before the house of Burgeses for their consideration. And being it doth not appear whether the several Plantations which are taken within the said Survey be Seated by Virtue of Patents or not; that care be taken to prevent all manner of disputes for the future by reason of such patents if any be. And his Excel^{ty} and the hon^{ble} Council are the more desirous to have this matter Speedily determined, that patents may be granted to such Persons as have Claimes to lands in *pamunkey* Neck adjoining to the said Indian land: and the remaining Lands in the said Neck may be laid open according to the Address of the Council and Burgeses to his Excel^{ty} for that purpose

His Excel^{ty}s said Message being read

Ordered That the said Message ly upon the Table

Ordered That the books of publick Claimes be read and taken into consideration at nine a Clocke on *Tuesday* morning next, and that every member give his Attendance on the Service of the house at that time

Then the house adjourned till *Munday* morning nine a Clocke

Munday August the 24th 1702

MR *Leigh* from the Com^{tee} of Propositions and Grievances to whom the Bill prohibiting Seamen being harboured or Entertained on Shore, was committed for Amendments reported that they had made Several Amend^{mts} to the Bill, which they had directed him to report to the house, and then delivered the said Bill and Amendments in at the Table, where the said Amendments being twice read

Ordered That the said Bill with the Amendments be ingrossed and read a third time
An Ingrossed Bill intituled *an Act for divideing Charles City County*, was read the third time and a Small Amendm^t being made therein at the Table and thrice read

Resolved Nemine Contradicente

That the said Bill do pass with the Amendm^t

An Ingrossed Bill intituled *an Act for the Regulation and Settlement of fferrys and for dispatch of publick Expreffes, and for the Speedy transporting of fforges over Rivers and Creeks in time of Danger* being read the third time

Then

Then A Petition of *Edm^d Jennings Esq^r* related to part of the said Bill was read, and after a small Debate three Clauses being rased out of the Bill

Resolved Nemine Contradicente

That the said Bill do passe

A Message from his Excell^y and the hon^{ble} Council on *Saturday* last upon a Survey and Platt of land laid out for the *Chickahominy* Indians by M^r *Harry Beverley* was read, and after some time Spent in considering the said Message

Resolved and accordingly *Ordered*

That it be referred to the hon^{ble} Genl: Court to consider determine and decide all doubts, disputes, differences and controversys whatsoever which may arise by means of the land being so laid out for the said Indians, and to do therein as shall appear to them best to answer her Majestys Service the right of the Indians the good of the Inhabitants and preservation of the honour and peace of this Dominion

An Ingrossed Bill intituled *an Act prohibiting Seamen being harboured or Entertained on Shore*, being read the third time

Resolved Nemine Contradicente

That the said Bill do passe

Ordered That the Com^{tee} of propositions and Grievances Carry such Bills as passed the house this day to the Council and desire their concurrence thereto

Then the house adjourned till to morrow morning Eight a Clocke

Tuesday August the 25th 1702

THEN According to the order of the day the house took into consideration the Books of Reports of the Com^{tee} for publick Claimes and having read the same thorow the Several Articles therein contained were agreed to by the house with Such Additions and Alterations as are noted downe in the body and Mergent of the said Books of Reports

Resolved That the house do forthwith *Resolve* it selfe into a Com^{tee} of the whole house to take into consideration the Allowances for the respective officers that have attended this and the two last meetings of Assembly together with all such further allowances as remaine to be added to the books of reports of the Com^{tee} for publick Claimes and accordingly the house *Resolved* it selfe into a Com^{tee} of the whole house to take the said Allowances into consideration, and after some time Spent therein M^r *Speaker* resumed the Chair and M^r *Cary* reported that the said Com^{tee} had agreed upon Several Allowances which he read in his place and then delivered them in at the Table where being againe read and part agreed to and part disagreed to

Ordered That the Several Resolutions of the Com^{tee} of the whole house concerning allowances which are agreed to by the house be annex to the book of reports of the Com^{tee} for publick Claimes

Also M^r *Cary* reported that the Com^{tee} had directed him to give M^r *Speaker* thanks for his Extraordinary diligence and care in the discharge of his place this and the two last meetings of Assemblys which was accordingly done and thereupon M^r *Speaker* was pleased to Say to this Effect

Gentlemen

I receive the acknowledgment with as much Satisfaction as if a reward had been given me, my Endeavours are not designed for the Sake of profit and therefore you may be assured so long as I am honoured with this Chaire you will have the best of my Service, and the manner you think most proper to Show your Sentiments upon it will be to my content, for I doubt not but in all your proceedings your Aimes are to Act with due regard to the circumstances of the time

Ordered That the Com^{tee} for publick Claimes do forthwith carry to the Council the two books of Reports of the Com^{tee} together with the Additions this day made in the house and desire their concurrence thereto

And

And also That they carry to his Excellency and Council a Copy of the Resolve of this house yesterday relating to the land laid out for the *Chickahominy* Indians

Mr *Leigh* acquainted the house that the Comtee of propositions and Grievances had been with the Council and delivered to them such bills as passed the house yesterday and desired their concurrence thereto

A Message from the Council by Mr *Robertson* who brought into the house An Ingrossed Bill intituled *an Act for the Regulation and Settlement of fferrys; and for dispatch of publick Expresses and for the Speedy transporting of fforges over Rivers and Creeks in time of Danger*, Agreed to by the Council without any Amendments

Also An Ingrossed Bill intituled *an Act prohibiting Seamen being harboured or Entertained on Shoare*, agreed to by the Council without any Amendments.

And also An Ingrossed Bill intituled *an Act for divideing Charles City County* and with it a proposal of a small Amendment to be made therein which if the house should Agree to, the Council would agree to the Bill and the said Amendment being thrice read was agreed to by the house and incerted in the Bill

Ordered That the Comtee of Claimes carry back to the Council the said Bill for their view that this house hath agreed to the Amendment proposed by them and incerted it in the Bill

A Message from the Council by Mr *Robertson*.

By the honble Council

Mr Speaker and Gent: of the house of Burgesses

Upon Request of that part of the house of Burgesses Address in answer to his Excellency's Speech giving power to his Excellency by Advice of the Council on any Accident as an Alarme Surprise Insurrection or Invasion to levy Suitable and competent forces to be paid by the publick &c: the honble Council propose that the said Resolve be formed into an Ordinance of Assembly

The honble Councils said Message being read

Ordered That it be referred to the Comtee for publick Claimes to prepare and bring in an Ordinance of Assembly to morrow morning upon the said Message

Mr *Beverley* moving for leave to go into the Country upon Extraordinary Occasion leave was accordingly given him

Upon a Motion made by a Member of the house that for Encouragemt of an Able Clerk to attend the Comtee of propositions and Grievances

Resolved That it is the opinion of this house that for the future when an Able Clerk Shall Attend and Serve the said Comtee to the Satisfaction of the house he shall be allowed Eight Thousand pounds of Tobo

Then the house adjourned till to morrow morning nine a Clocke

Wednesday August the 26th 1702

A MOTION being made that an Address rendering thanks to his Excellency for his Many Favours and Answering those parts of his Excellency's Speech not in the former Address Answered be prepared; The said Motion was Agreed to by the house

Ordered That it be referred to Mr *Leigh*, Mr *Cary*, and Mr *Corbin* to prepare and bring in the said Address

Mr *Cary* reported that the Comtee for publick Claimes had been with the Council and delivered them the two books of Reports of the Comtee for publick Claimes together with the Additions made in the house and desired their Honrs concurrence

Also had delivered to his Excellency and Council a Copy of the resolve of this house Yesterday relating to the land laid out for the *Chickahominy* Indians And had carryed back to the Council the Bill divideing *Charles City County* for their View, that the Amendments were agreed to by the house according to their Honrs proposition and incerted in the Bill, and that their Honrs were pleased to returne the said Bill to the house by them

Mr

Mr Cary from the Com^{tee} for publick Claimes reported that the said Com^{tee} according to the order of the house Yesterday had prepared an Ordinance upon the Councils Message to the house Yesterday and had directed him to report the same, and then delivered it in at the Table, where being againe read and agreed to by the house

Ordered That the said Ordinance be ingrossed

A Message in Writing from his Excel^{cy} by Mr Robertson

Mr Speaker and Gent: of the house of Burgeesses

I herewith Send you Several Lifts of the Militia &c: returned to me and I was in hopes long before this to have received her Majestys royal Commands concerning her declaration of Warr against *France* and *Spain* So that I might have had a Council of Warr of all the field Officers in this her Majestys most ancient and great Colony and Dominion of *Virginia* or Major part of them, in order to have adjusted Several Martiall affaires and to have offered to you our Resolutions thereupon &c: but this failing if you have any thing to offer to me that may any way in the least conduce to her Majestys and this her Colony and Dominions interest and Service I shall be very glad of having the hon^r and happiness of being any ways Instrumental therein, and if any Grievances of redressing them. I hope in God that in a few days I may put an End to this Sessions as also to the Assembly; Assuring you that I shall not be wanting to implore the divine Assistance that I may to the utmost of my power endeavour to discharge my Duty to God and her Majesty, and to do all the good I can to *Virginia*: and that we may part in entire friendship and the most earnest and hearty hopes and Wishes of

Fr: Nicholson

Mr Robertson likewise brought into the house Several lifts of the Militia &c: mentioned in the said Message

The two Books of Reports of the Com^{tee} for publick Claimes were returned from the Council by Mr Robertson agreed to by the hon^{ble} Council with this following Amendm^t Viz^t

That in the first Book the Article of ten Thousand pounds of Tobacco and Caske to Major *Peter Beverley* Speaker be Expunged which was read and after a Debate

The Question was put That the house do adhere to their former Resolve in giving the Speaker ten Thousand pounds of Tobacco

Resolved That the house doth adhere to their former Resolve in giving Major *Peter Beverley* the Speaker of the house ten thousand pounds of Tob^o and that the house will not recede from the Same

Mr Cary from the Com^{tee} appointed to Joine with a Com^{tee} of the Council to consider of the appropriating the Roomes in the Capitol for the use of the Several offices &c reported the proceedings of the said Com^{tee} which he read in his place and then delivered in at the Table where the Same being againe read were agreed to by the house, and were as followeth Viz^t:

That the building to the Westward next the College be appropriated to the use of the gen^l Court and offices thereto belonging to wit

The great Roome below for the Gen^l Court to Sit in and the other part of the building below for the Stare case and Secretarys office

The great roome above stairs over the great Hall for the Council Chamber

The Roomes at the other End of the house on that floor for the Council Office

That the building to the Eastward be appropriated to the use of the house of the house of Burgeesses and the offices thereto belonging to wit

The great Roome below for the house of Burgeesses to Sit in

The other part of the building below for the Stair case and the Clerk of the house of Burgeesses office

The great Roome above Staires over the great Hall and the Roomes over the Clerks office for Com^{tee} Roomes to be divided as shall be hereafter directed

That the Chamber between the two great buildings over the Pe^{ch} [Porch?] be for a Conference Roome for the Council and Burgeesses and a place for their Siting when they shall be appointed a Com^{tee}

That

That the Roomes in the Roofe of all the Buildings be appropriated to Such Uses as hereafter Shall be found necessary to apply them to

That the whole building be paled in twenty four foot distance from the Sides and Ends with Sawed plank good Locust or Cedar posts with good railes

That the Square of 475 foot Set apart by the Law for the Capitol to be built upon be meated out and that no building whatsoever be Erected thereon

That the Rules of the prison be the Lot that the said Prison Stands upon and the said Square of 475 feet

Col^o Leigh from the Com^{tee} to whom was referred to prepare and bring in an Address to his Excel^{cy} reported that the said Com^{tee} had according to the Order of the house prepared the said Address and had directed him to report the Same which he read in his place, and then delivered it in at the Table where being againe read as followeth

*To his Excel^{cy} Francis Nicholson Esq^r her Majestys Lt and Govern^r Genll: of Virginia
The humble Address of the house of Burgeses*

May it please your Excel^{cy}

We her Majestys most loyal and dutifull Subjects the Burgeses now assembled in this her most antient Colony and Dominion of *Virginia* being Sencible of the many obligations we and those we represent ly under to your Excel^{cy} for your prudent Administration of Affaires for your Just and good Government of this Colony committed to your Charge for your profound Zeale in perticular to it, confirmed to our Experience by a Cloud of instances for your repeated favours and Civilitys to us both this and many past Sessions, and the many Tokens you have given of a Courage and Conduct which plainly discovers how tender the Welfare and prosperity of the People in General is to you, Esteem it our Duty to make a publick Acknowledgment thereof before the conclusion of this Session, We can not pretend to Enumerate p^ticulars many have in former Applications been taken notice of and to Say all would swell the Address beyond Moderate Bounds however We beg leave to offer our Thanks for your kind Speeches this Session which hath been Answered only in the matters of busines referd to our Consideration

By the first We are put in mind and accordingly we Joyn with your Excel^{cy} and the hon^{ble} Council in our hearty prayers for the preservation of her Majestys Royal and Sacred person and for an Entire Victory to her over all her Enimys and more especially the *french* and *Spaniards*

By the Second We are obliged to observe your plaine Reasons for our so frequent meeting in so short Space of time from thence we are also further put in mind and accordingly We render our most humble Thanks and praises to the divine providence that we yet live in Peace and undisturbed notwithstanding the Rumours of a certaine Warr with a powerfull and an inveterate Enemy to our Religion and Interest from thence We understand the great care your Excel^{cy} has been pleased to take for geting our most humble Address to her most Sacred Majesty at our last meeting presented to her Majestys hands, We hope it will meet with a gracious acceptance, As that Address contained our loyal Sentiments at that time So we Still continue to Say and that truly that our hearts are brim full of Sincere Resolutions to be Exerted on all occasions for her Majestys Service according to our Several Capacities and Stations politick Civil or Military

Lastly Our Duty will not Suffer us to pass in Silence the great paines your Excel^{cy} took about the funeral Solemnity of his late Majesty of blessed memory and to have the cerimony of proclaiming the most Illustrious Princefs *Ann* our present Queen performed in the best manner this her Colony and Dominion is Capable of whatever it wanted of Grandure We humbly presume the good will and Intent of your Excel^{cy} who projected it and of the Hon^{ble} Council and our Selves who attended it were Clear and perspicuous and therefore wee can not doubt but this Service may prove a meanes to let us the more into the favour of our most Excellent Queen whom God grant a long and happy Reign over us

The Same was Agreed to by the house

Ordered That the said Address be forthwith fairly ingrosed in order to be presented to his Excell^{cy}

Ordered

Ordered That the Members of the Com^{tee} of Claimes and the Members of the Com^{tee} of Propositions and Grievances Carry back to the Council the two books of reports of the Com^{tee} for publick Claimes and the Refolve of this house upon the Amendment by the Council propofed

And alfo the Ordinance of Affembly for defence of the Country in times of Danger and desire their concurrence thereto

Then the Addrefs to his Excel^{ty} being fairly Ingroffed and prefented to his Excel^{ty} by the whole house

Ordered That the Com^{tee} that prepared the faid Addrefs forthwith wait upon his Excel^{ty} to know his pleafure when the house fhall attend his Excel^{ty} with their Speaker to prefent the faid Addrefs

And they being returned M^r Leigh reported that they had delivered the faid Message to his Excel^{ty} and that his Excel^{ty} was pleafed to fay, now if the house pleafes

The Ordinance of Affembly for defence of the Country in times of Danger was brought into the house from the Council by M^r Robertfon agreed to by the Council without any Amendm^{ts}

Then M^r Speaker and the house went to attend his Excel^{ty} to prefent the Addrefs

And being returned M^r Speaker reported he had prefented the Addrefs, and that his Excel^{ty} was pleafed to receive it very kindly and to ufe many kind Expreffions upon the Several parts of it, and to conclude that the Affembly was likely to continue but a Short time, and that he hoped it would End in amity and fo continue or words to that effect

A Message from the Council by M^r Robertfon who brought into the house the two books of Reports of the Com^{tee} for publick Claimes with the following Refolve

By the hon^{ble} Council

Resolved That the Council doth Agree to the book of Claimes except that Article giving ten Thoufand weight of Tob^o to Major Peter Beverley Speaker of the house of Burgeffes which Article they propofe may be Submitted to the determination of the Lords Com^{rs} for Trade and plantations and in the mean time that the Levy be laid without it

Upon Confideration of your Hon^{rs} Message in thefe words

Resolved That the Council doth Agree to the book of Claimes Except that Article "giving ten Thoufand weight of Tobacco to Major Peter Beverley Speaker of the house "of Burgeffes, which Article they propofe may be Submitted to the determination of the "Lords Com^{rs} for Trade and Plantations, and in the mean time that the Levy be laid "without it

The house hath made this Refolve *Viz*

Resolved Nemine contradicente

That the house doth not agree to the faid Proposition of the Council Whereupon we further declare that we made the Allowance to our Speaker now objected againft with as mature a confideration as any other part contained in the book of Claimes

That allowance has paffed this house three times and we gave it as a Confideration for his faithful Services to her Majesty this Government and this house, and we Esteem it within the bounds of our priviledges We hope your hon^{rs} will not longer difpute it wth us, but agree to that as well as the reft that this Seffion may thereby be brought to a friendly conclusion.

Ordered That the members of the Com^{tee} of Claimes and the members of the Com^{tee} of Propositions and Grievances carry the Same to the Council and alfo Carry back to the Council with it the two books of reports of the Com^{tee} for publick Claimes

And being returned M^r Cary reported they had delivered the faid Message and the two Books of Reports of the Com^{tee} for publick Claimes to the Council

Then the house adjourned till 7 of Clocke to morrow morning

Thursday

Thursday August y^e 27th 1702

THE two Books of Reports of the Com^{tes} for publick Claimes were returned from the Council by M^r Robertson with this Message in writeing which was read as followeth

By the Council

Upon confideration of your last Answer to our second Message relating to the allowance to your Speaker added by your House to the Book of publick Claimes in these Words *Viz*:

"Resolved Nemine contradicente

"That the house doth not agree to the said Proposition of the Council

*"Whereupon we farther declare that we made the allowance to our Speaker now
"objected against with as Mature Consideration as any other part contained in the Book
"of Claimes.*

*"That allowance has passed this house three times, and we give it as consideration
"for his faithfull Services to her Majesty, this Government and this house, and we Esteem
"it within the bounds of our priviledges. We hope your Hon^{rs} will no longer dispute it
"with us, but agree to that as well as the rest that this Session may thereby be brought
"to a friendly conclusion*

Resolved That the Council doth not agree to the said Answer of the house

*Resolved That it is the opinion of the Council that it is an inherent priviledge in her
Majestys Council of Virginia either to concur or disagree to the Book of Claimes as
farr as they See cause and no instance can be given that ever Book of Claimes past with-
out such concurrence*

*Resolved That it is the opinion of the Council that they have good reason for their
present disagreement to the aforesaid allowance, for that no such charge hath been laid
upon the Publick for Several years past, and was discontinued by the house of Burgeses
themselves in the year 1695 and in the Several Succeeding Assemblies Resolve upon
Resolve hath been made, as by the Journals of those times will appear that Such allowance
should never be given for the future, and to revive it now, the Council are of opinion will
be a disservice to the Country. Wherefore they conclude they are well warranted in
adhereing to their Resolve not to agree to the said Allowance, and desire your house no
longer to insist on it, Submitting it to be considered where the fault will light, if the public
Levy be not now laid, and this Session come not to a Speedy and friendly conclusion*

M^r Robertson also brought into the house the two messages in writeing from his
Excel^{cy}

By his Excellency

M^r Speaker and Gent: of the house of Burgeses

I send your herewith a copy of what I spoke to her Majestys hon^{ble} Council at their
disagreeing to the Allowance to your Speaker, and as I have formerly told you that I
will maintain the priviledges of your House, So I now think fitt to let you know that
the Reasons the Council have given do not Seem to me, Sufficient to Vacate your priviledge
of giving ten Thousand pounds of Tobacco to your Speaker, you having given so good
reasons for your so doing

Gentlemen

I am heartily Sorry for this difference. one reason is, because every day of the As-
semblies Sitting is a great charge to the Country, and I suppose you have dispatched
every thing else, and I shall be extreme glad that there could be any expedient found,
that according to your proposal to her Majestys hon^{ble} Council this Sessions may be
brought to a friendly conclusion and it shall be esteemed a peice of extraordinary hap-
piness if I can be in the least instrumental therein, for it shall be most cordially complied
with by

For: Nicholson

His Excel^{cy} acquainted the Council that he thought the Book of Claimes with that
very Article was allowed in August last upon the house of Burgeses allowing the Sum of
£146:8^s:3^d of extraordinary charges, and the Sum of Sixty three pounds paid by M^r Auditor

Byrd

Bynd for land for the Govern^r house, which two Articles his Excell^y hath told the house of Burgeses he doth not now insift on, having received no Orders from *England* about them: And therefore he is of the opinion that the said Books is past, and that the house of Burgeses are the most proper Judges of the merit and Rewards due to their own officers; and it hath been for much longer time allowed than disallowed, and what reasons they had for So doing are best known to themselves. This Article hath been allowed by two houses of Burgeses one after another and if upon its not being allowed here, the House of Burgeses should refuse to pass the whole Book of Claimes, it will be a grievous oppression upon the Subject (there being two years Claimes due) and may in some Sort endanger the peace and quiet of this her Majest^s Colony and Dominion of *Virginia*, and this Sum of ten thousand pounds of Tobacco will not amount to half a pound ³/₄ pole

Thereupon M^r *Speaker* was pleased to say
Gentlemen

It Extraordinarily concerns me to perceive that a matter relateing to me should occasion the least Stop to the Conclusion of the Session I am very Sencible the Country Suffers by this unprefedential Stifness of the Council, for I dare be bold to Say they have not a Rule for it by any former proceedings of this Nature or that ever the Council before denied passing the acknowledgments of the house to the Speaker however it comes to be so now

To accomodate it therefore and to the end we may proceede to lay the Levy and pay our Debts, I humbly propose you make a Declaration that it is your priviledge to preserve the Right to future Ages and to accept the Returne of your Gift.

Resolved nemine contradicente

That it is the undoubted right of this house to gratifie their Speaker and reward their officers as they Shall think Suitable

Resolved Nemine contradicente

That there is not any president heretofore where the Council have refused to agree with the house in gratifying their Speaker

Resolved Nemine contradicente

That the councils not concurring with this house in their allowance to their Speaker is a denial of the priviledge of this house

Resolved Nemine contradicente

That this house doth agree to Expugne the Allowance to the Speaker out of the Book of Claimes at the instance of the Speaker and purely to save the Charge of Siting any longer for the ease of the Country, and to the End that the publick Debts may be paid, but that they will not thereby be said to have parted from this Point of priviledge

Ordered That what M^r *Speaker* was pleased to Say and the Several Resolves be Sent to the Council as an Answer to their Message just now received

May it please your Honours

In answer to your Message Just now received We do herewith Send you what M^r *Speaker* was pleased to Say and the Several Resolves of the house thereafter agreed to
Gentlemen

It Extraordinarily concerns me to perceive that a matter relateing to me Should occasion the least Stop to the Conclusion of this Session I am very Sencible the Country Suffers by this unprefedential Stiffness of the Council, for I dare be bold to Say they have not a Rule for it by any former proceeding of this nature or that ever the Council denied passing the acknowledgments of the house to their Speaker however it comes to be so now

To accomodate it therefore and to the end we may proceed to lay the Levy and pay our Debts, I humbly propose you make a Declaration that it is your priviledge to preserve the right to future Ages and to accept the Returne of your Gift

Resolved Nemine Contradicente

That it is the Undoubted right of this house to gratify their Speaker and reward their officers as they Shall think Suitable

Resolved

Resolved Nemine contradicente

That there is not any president heretofore where the Council have refused to agree with the house in gratifying their Speaker

Resolved Nemine contradicente

That the Councils not concurring with this house in their Allowance to their Speaker is a denial of the priviledge of the house

Resolved Nemine contradicente

That this house doth agree to Expugne the allowance to the Speaker out of the Book of Claimes at the Instance of the Speaker and purely to Save the Charge of Siting any longer for the ease of the Country, and to the end that the publick Debts may be paid, but that they will not thereby be said to have parted from this point of priviledge

Ordered That the members of the Com^{tee} of Claimes and the members of the Com^{tee} of Propositions and Grievances Carry the said Message to the Council and the two Books of Claimes and desire the Councils concurrence thereto

And they being returned Mr *Cary* reported they had been with the Council and delivered the said Message and desired their Hon^{rs} concurrence to the two books of Claimes

A writing from Mr *Perrygrime Cony* directed to Mr *Speaker* and the house of Burgeffes rendering many humble thanks to the house and gratefully Acknowledging their generous bounty towards him for his Attendance in reading divine Service was read

A Petition of Mr *Secretary Jennings* referd from the Council Seting forth that there has Issued out of the Secretarys office Since *December 1700* four hundred and nine Military Comissions praying allowance for the same, and that a reasonable Fee be ascertained and how and by whom paid for the future being read

Ordered That the consideration of the said Petition be referred to the next Assembly

Ordered That it be referred to the consideration of the Com^{tee} Appointed for Reviual of the Lawes to ascertaine a reasonable Fee to Mr *Secretary* for Military Commissions and how and by whom the same shall be paid for the future

The two Books of reports of the Com^{tee} for publick Claimes were brought into the house by Mr *Robertson* Assented to by his Excel^{cy} and the hon^{ble} Council

Then the report of the Com^{tee} appointed to inspect and Examine Mr *Treasurers* Acco^{ts} being read

Ordered That Mr *Treasurer* take care that *Hancock Custis* and the hon^{ble} *Richard Lee Esq^r* be Sworne to their Acco^{ts}

Ordered That Mr *Treasurer* take care to receive the debt due from Mr *Corbin Griffens* Estate Upon the imposition Acts, and in case payment be not made to bring Suite for the Same

Ordered That that part of the Report of the Com^{tee} appointed to inspect and Examine Mr *Treasurers* Acco^{ts} which relates to the money lodged in his hands for the Trustees of the City of *Williamsburgh* be Entered Upon the Journal in the words of it *Viz^t*:

It is also Observable that Mr *Treasurer* has given himselfe Credit for two hundred Eighty three pounds five Shillings for the Trustees of the City of *Williamsburgh* by Order of Assembly but Says he has not paid it all, nor has any receipts or discharges for any part paid

Duplicates of Mr *Treasurers* Geill: Acco^{ts} of the impositions Upon Liquors Serv^{ts} and Slaves dated the 20th day of *August 1702* which was certified to be Sworne to before his Excel^{cy} in Council the Ballance to be Accounted for to the Geill Assembly being twelve hundred ninety one pounds three Shillings one penny farthing was agreed to and passed the house

Ordered That Mr *Bland* Mr *Harrison* and Mr *Nathaniel West* Carry the said Acco^{ts} to the Council for their concurrence, one of which being returned and certified to have passed his Excel^{cy} and Council

Resolved That the house doth agree to give eight Shillings a hundred of Tobacco and Caske So farr as the Six hundred pounds taken out of the imposition fund for easing the levy by the pole will reach

Ordered

Ordered That a Copy of the said Refolve be sent to the Council for their concurrence and that the Com^{tee} of Claines Carry the same

And being returned Mr Cary reported they had delivered the said Message to the Council

Mr *Robertson* brought into the house the Refolve Agreed to by the house to give Eight Shillings a hundred for Tobacco and Caske So farr as the Six hundred pounds taken out of the imposition fund for easing the Levy by the Pole will reach, Assented to by the hon^{ble} Council

A Com^{tee} for proportioning the publick Levy

Mr *Miles Cary* Chairman

Mr *William Tayloe*..... Mr *Tho: Milner*

Mr *Richard Bland*..... Mr *Ed^{wd} Mofely*

Mr *William Bassett*

Then the house adjourned till to morrow morning Seven a Clocke

Fryday August the 28th 1702

MR Cary from the Com^{tee} for proportioning the publick Levy reported that they had done the Same and that it Amounted unto four pounds of Tob^o and a Quarter $\frac{3}{4}$ pole

A Message from his Excel^{cy} by Mr *Robertson*

Mr *Speaker*

His Excellency commands the imediate Attendance of this house upon him in the Council Chamber

And accordingly the house went and attended his Excel^{cy} in the Council Chamber

And being returned Mr *Speaker* reported they had been to attend his Excel^{cy} and that his Excel^{cy} was pleased to make a Short Speech and to give him a Copy of it, which he read as followeth

Mr *Speaker* and Gent: of the house of Burgeffes

It having pleased the Almighty that we are like in a few hours to part in Amity, I should fail in that very great Duty which I ow to her most Sacred Majesty if I did not in her name return you thanks for your hearty prayers for the preservation of her Majestys royal and Sacred Person and for an entire Victory to her over all Enemys, and most Especially the *French* and *Spaniards*; as likewise for rendering your most humble thanks and praises to the divine providence, that we yet live in peace and undisturbed, notwithstanding the Rumours of a certaine War with a powerfull and inveterate Enemy to our Religion and Interest: And that you Still continue to Say, and that truly that your hearts are brim-full of Sincere Resolutions to be exerted on all occasions for her Majestys Service, according to your Several Capacities and Stations, politick, Civil, or Military: to all which I most Sincerely say Amen.

You have anticipated my design of recommending to you to be diligent and vigorous for her Majestys Service in your Several Capacities and Stations &c: so that to doe it now would be not to give intire Credit to what you Expreß in your Address to me of the 26th Instant, that you would doe it both in your Politick, Civil, and Military places and Employments which I dont in the least doubt of. And if there Should be any Sons of *Belial* that have or would endeavour by false, Scandalous, and Malicious Reports, insinuations and innuendos, either in Writeing or words against either my Selfe or others, whether jointly, or Separately; to disturb the peace and quiet of this her Majestys most ancient and great Colony and Dominion of *Virginia*: I pray God forgive them for what is past; and that he would be graciously and mercifully pleased (as he has hitherto done) to make their wicked and Unchristian designs to be frustrate. And if any go about in the least to Separate her Majestys Interest and Service from that of this her Colony and Dominion of *Virginia* let them be *Anathema Maranatha*

Gentlemen

If I did not return you most cordial thanks for your most obliging Address of the 26th Instant, and endeavour by all ways and means to answer the Character that you

are pleased to give me (but I must own Its far above what I can pretend to) I should in a high degree be guilty of ingratitude which is a thing, I thank God, I hate and abhor: And of the very few latine Sayings that I remember, I hope I shall never forget that, *Si ingratum dixeris omnia dixeris*: which I Look upon to be one of the worst Crimes a man can be guilty of.

I am extremely glad that there is an expedient found according to your proposal to her Majestys Hon^{ble} Council, that this Session Should be brought to a friendly conclusion And I should be wanting in my bound Duty to her most Sacred Majesty (which I hope in God, I never shall) if I did not return you thanks in her Majestys Name for your agreeing to the proposal to accomodate the affair relateing to your honourable Speaker and to him likewise for so generous an Offer which He made about it. And I doe heartily wish that all Persons in what degree of Government soever, would follow his Example in preferring the publick ease, peace, and quiet, before his owne private Peakes, animosities or interest. And I doe likewise thank him for his faithfull Services to her Majesty, this Governm^t and your House: And for his generosity by your leave, in quitting the Allowance of 10000 Weight of Tobacco, which had passed your house three times

Tho' I intend to dissolve you, yet can not but in Justice declare that it is not out of any the least doubt I have of your great loyalty and Duty to her most Sacred Majesty; because you have both given Such good Assurance thereof by your loyal Addresses &c: to her Majesty, and manifested it by your great Zeale for her Majestys and the Countrys Interest and Service.

And that both my Selfe, her Majestyes hon^{ble} Council, and you Gentlemen, and all other her Majestys Dutifull, loyal and loving Subjects, whom you represent may be enabled to discharge our Duty to God and her Majesty, and to doe all the good we can for this her Majestys most ancient and great Colony and Dominion of *Virginia* (the intire wellfair and prosperity whereof I so heartily wish and desire) are my cordial prayers to almighty God

Jfr: Nicholson

A Bill for raising a publick Levy being read the first time

Ordered That the said Bill have a second reading

A Bill for raising a publick Levy being read a second time

Ordered That the said Bill be ingrossed and read a third time

A Motion being made that this house render to his Excel^{cy} by a Message in writing the humble thanks of the house for his kind Message relateing to the Allowance made our Speaker was agreed to, and the said Message was drawne at the Table as followeth
May it please your Excellency

Your Excellencys Kind Message Yesterday, relateing to the Allowance made our Speaker, came with an Answer of the Council Upon that Subject very disagreeable to the right we claime, and may not Surrender, in Such a Juncture it is Easy to conclude, how Satisfactory it is to us, to find your Excel^{cy} willing to Support our priviledges, and peticularly this, it is a testimony and confirmation of your exact honour, and we pray you to accept our hearty Acknowledgments and thanks for it

Ordered That Mr *Speaker* Sign the said Message

Ordered That Mr *Cary* and Mr *Bland* do forthwith withdraw and Examine the Several Bills which are inroled to the end they may with all convenient Speed be Sent to the Council for their P^{ro}usal

And they being returned Mr *Cary* reported they had Examined the inroled Bills, and that the same do truly agree with the ingrossed Bills

An Ingrossed Bill intituled *an Act for raising a publick Levy* being read the third time

Resolved Nemine contradicente

That the said Bill do passe

Ordered That the Sum of Six hundred pounds taken out of the imposition funds for Easing the Levy by the Pole be paid to the Several Persons as it is proportioned by this

this Genl: Assembly and that his Excel^y the Govern^r be desired to issue his Warrants to the Treasurer to pay the same accordingly

Ordered That the Several Sums of money mentioned in the two Books of Claimes which have passed this Session be paid out of the imposition funds to the Several Persons concerned therein, and that his Excel^y the Govern^r be desired to issue his Warrants to M^r *Treasurer* to pay the Same accordingly

Ordered That the Com^{tee} of Propositions and Grievances and the Com^{tee} for publick Claimes do carry to his Excellency the Message in Writing and afterwards deliver to the Council the Book of Proportions, the Bill for raising a Publick Levy, and the two Orders relating to payment of the money and desire their concurrence

And they being returned M^r *Cary* reported that they had waited on his Excel^y and presented to his Excel^y the Message in writing and afterwards delivered to the Council the Book of proportions, the Bill for raising a publick Levy and the two Orders relating to payment of the money and desired their Concurrence

M^r *Robertson* returned from the Council the Book of Proportions and the orders of this house about payment of the money Assented to by the Council. And

Also the Bill for raising a publick Levy assented to by the Council without any Amendment

Ordered That the Com^{tee} of propositions and Grievances do carry both the inroled Bills and the ingrossed Bills to the Council for their Examination and Passal

And they being returned M^r *Cary* reported they had been with the Council and Carried the inroled Bills and the ingrossed Bills to the Council for their Examination and Passal

M^r *Robertson* returned from the Council the inroled Bills and the ingrossed Bills A Message from his Excel^y by M^r *Robertson*

M^r *Speaker*

His Excellency Commands the immediate Attendance of this house upon him in the Council Chamber, and that you bring with you such inroled Bills as the house have agreed upon

And accordingly the house went to attend his Excel^y in the Council Chamber and carried the inroled Bills to his Excel^y

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